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Anti-Transgender Legislation as Scapegoating

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Legislative Battleground

In recent years, a wave of anti-trans legislation has swept across the United States.[1] Similar legislative trends are also unfolding in other Western countries, where gender diversity is increasingly framed as a threat to national values or institutional stability.[2] These laws restrict trans people's access to healthcare, participation in public life, and ability to express their gender identity freely. While supporters often frame these policies as protective – particularly of children and families – they work in practice to exclude, stigmatize, and erase trans people from the public sphere. This paper argues that these laws function not just as regulatory instruments, but as a political strategy of scapegoating.

Whether the goal is to 'save women's sports*'* or 'save adolescents from experimentation,' the logic undergirding these legislative trends is to protect those deemed worthy of protection

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[1] The number of bills targeting transgender people has broken records for five consecutive years (Trans Legislation Tracker 2025). In 2025 alone, over 575 anti-LGBTQ+ bills have been introduced across the United States, with at least 54 becoming law, many of which specifically target transgender individuals (Them 2025). These bills span multiple categories of public life, including education, sports, identification, and healthcare. In 2023, there was a sharp increase in bills banning gender-affirming care for youth, with Alabama criminalizing providers, Texas investigating supportive parents, and Oklahoma revoking medical licenses (ACLU 2023). Some states, such as Kansas, Oklahoma, and South Carolina, have proposed extending these bans to young adults up to age 26 (Migdon 2023).

[2] In the UK, the Westminster government invoked Section 35 powers to block a Scottish bill that would have made it easier for transgender people to self-identify without a medical diagnosis (Smout & Macaskill 2023; Brown 2023). In Canada, Alberta recently announced policies that ban hormonal treatments and surgeries for youth under 16, require parental opt-in for any school lesson on gender or sexuality, and prohibit transgender women from competing in women's sports leagues (Bellefontaine 2024). Other provinces, such as New Brunswick, have similarly rolled back protections, including no longer requiring teachers to respect students' preferred pronouns under age 16 (Ibid).

from the perceived threat of transness. This is accomplished by shifting widespread blame for all sorts of societal and existential ills onto transgender people, a form of scapegoating that pre-exists current political trends. However, the recent legislative moves in the US, UK, Canada and elsewhere demonstrate a heightened deployment of this scapegoating rhetoric. While past societies – such as certain ancient or early modern communities – enacted scapegoating through ritual sacrifice, our modern world advances bills and policies against perceived threats. In other words, the legislation examined in this paper is not the origin of anti-trans scapegoating but a manifestation of it, an expression of deeper social and political dynamics, including cultural anxieties about gender nonconformity, efforts to reinforce patriarchal norms, and the strategic use of fear to consolidate political power. Still, it is a critical point of intervention, as a modern enactment of scapegoating logic. It is worthwhile to gain clarity on this rhetoric and its power to bond those convinced by it, such that we can determine the best means to undermine its harmful consequences.

Scapegoating – generally understood as targeting a person or group for unwarranted blame and negative treatment – appears to be a deeply rooted human response to social crisis and instability. For example, during the witch hunts of early modern Europe, marginalized or socially vulnerable women were accused of causing misfortune (i.e., failed crops, illness, or social unrest) and subjected to persecution and execution (Levack 1987; Rosen 2017). Scapegoating follows a familiar pattern: a group is unjustly blamed for complex or uncontrollable problems, becomes the focus of collective fear and rage, and is punished through public spectacle or institutional violence. What makes scapegoating powerful is precisely its misdirection; it offers a sense of moral clarity, catharsis, and group unity in response to diffuse anxieties. However, it is much easier to recognize scapegoating in retrospect than it is to catch ourselves in the act.

Drawing from and expanding upon René Girard's theory of scapegoating, I focus on scapegoating as a process that operates through two interrelated mechanisms: essentialization and legislation. Essentialization refers to the cultural and rhetorical construction of trans people as inherently deceptive, threatening, or deviant – a move that lays the groundwork for blame. As Talia Mae Bettcher (2007) argues, the portrayal of trans women as 'deceivers' who conceal their 'true sex' exemplifies this dynamic. Her account of how transness becomes culturally coded as deception offers a paradigmatic case of essentialization—one I return to in more detail below. Legislation then institutionalizes this blame, embedding scapegoating logic into policies that target trans people across domains such as education, healthcare, sports, and identity documentation. To analyze these dynamics, I break scapegoating into three sub-mechanisms: (i) the essentialization of marginalized groups as inherently blameworthy, (ii) the construction of collective interest in defending the dominant group from a perceived threat, and (iii) the social exclusion of the scapegoated group. In what follows, I treat essentialization and legislation as the primary vectors through which these sub-mechanisms are enacted and reinforced.

One important implication that comes from this analysis of scapegoating is that it points us to the way blame-shifting perpetuates and insulates oppression by allowing those who participate in unjust systems to absolve themselves and the systems of responsibility. The desire to simplify an uncomfortable and complicated issue onto an easy repository for blame involves the longstanding societal search for someone to blame. Understanding anti-trans rhetoric as scapegoating illuminates not just its deeply prejudicial basis – one that essentializes transness as inherently threatening to social order – but its connection to group bonding and social marginalization. Uniting together against a (perceived) threat is a collective exercise that bonds the protected group as 'worthy' of protection. As we will see, the 'protected group' is often the

cisgender group in opposition to some form of trans rights. However, in some cases trans people (especially trans youth) are treated as threats to themselves. This positions their assigned-gender-at-birth as in need of protection from *transness*. In cases like these, it is best to understand transness as a threat in itself, not necessarily as attached to particular trans persons. This distinction points to the dynamic nature of this scapegoated identity, made up of both trans people and transness as a dangerous contagion that preys on innocent young people, and from which they must be protected against their will.

After outlining the Girardian theory of scapegoating, I argue that elements of this theory can usefully account for forms of harm being advanced through legislature targeting trans people and the attitudes that motivate them. I explain each sub-mechanism of scapegoating with attention to how it functions to mask and justify marginalization and oppression. I then turn to examine specific forms of legislation that target the rights of trans people to uncover their scapegoating patterns. Through this lens, I hope to make apparent the transphobic rhetoric that convinces people of its necessity, and why we must resist narratives that construct transness and/or transgender people as threatening.

1. A Girardian model of scapegoating

This section outlines René Girard's scapegoating framework, which is informed by the concept's Biblical origins,[3] sociological elements, and anthropological roots. Rather than thoroughly

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[3] The term 'scapegoat' ('azazel' or escape goat in the original Hebrew) can be traced to a passage in the Book of Leviticus (16:22) in which Aaron, Moses' brother, is commanded by God to choose two goats for a sacrificial sin-offering. After the sacrifice of the first goat, Aaron lays both his hands on the head of the live goat and confesses the sins of the Israelites. The goat is then sent away into the wilderness. According to the Talmud, the central Rabbinic text, the live goat is ultimately pushed over a cliff. The origin of the concept 'scapegoat' can be found, then, in a Biblical ritual symbolizing the transference and expiation of the sins and guilt of a whole people onto an innocent living being. The contemporary use of the term 'scapegoat', however, rarely invokes the religious practice described in Leviticus. The concept has undergone many transformations over the centuries and has become largely decontextualized from its original Biblical meaning, though some aspects of the original meaning have been retained. An important function of the religious ritual is to 'purify' those who have sinned or engaged in morally

reviewing Girardian scapegoating as such, this section articulates the relevant dimensions of his scapegoating framework as a theoretical model for understanding what motivates anti-trans legislation. Those relevant elements are: (i) the social conditions under which the scapegoat mechanism develops, (ii) the choice of victim, and (iii) the social stabilization offered by the exclusion of a scapegoat. The scapegoating model allows for a deeper understanding of some collective and social dimensions that encourage us to blame others for social ills, and the bonds that are formed through this process. Once I have outlined the key dimensions of scapegoating according to Girard, I will expand upon the opportunities it offers for feminist analysis.

Girard's work on scapegoating is perhaps the most well-known work on the subject, offering a comprehensive study of scapegoating as both a real victim of communal violence and a structural principle in the foundation of human culture. Girard begins with an understanding of desire as the primary relationship between humans, arguing that we learn what to desire by imitation. The desire of the Other is defined by what I (and other people) desire. Put simply, my attitude toward some object becomes a desire if and when that object is the object of desire for another person. This concurrence of desire – called *mimetic desire* - is what leads to competition, rivalry and violence. If there are two (or more) people who desire the same object, they automatically become rivals. Rivalry itself is also subject to imitation, which quickly spreads amongst a society. Girard theorizes that human conflict is not caused by differences but by similarities, with mimetic conflict escalating into general antagonism and widespread chaos (Girard and Williams 1996).

Mutual destruction is prevented by the choice of a surrogate victim onto whom the community can deflect their violence and channel their aggression. According to Girard, this act

criticizable acts. This remains an important part of the scapegoat concept now, despite it being secularized in its modern usage.

of sacrifice (as a form of exile) unites members of the community and ends the cycle of mimetic violence by prompting the community to choose victims outside itself (Girard and Williams 1996, 76). Thus, the scapegoat restores social order. This ritualistic act of violence is then re-enacted periodically so as to forestall relapses into destruction. While this takes place in a context that is threatened by its lack of social differentiation (because of mimetic desire), as in any human community, there are some individuals who are physically, psychologically, or emotionally different from others. Already marginalized due to their differences, these individuals tend to polarize and attract the hostilities of the population during times of crisis. Through mimetic desire, these victims become the focus of all hostile energies of the community – "just as the individual members of the group imitate one another's choice of a love object, for example, so they imitate one another's choice of a victim" (Golsan 2002, 32).

When the group turns against a chosen victim, it unites them against a common enemy and coincides with a sudden end to their previous hostility. In Girard's words:

> In the frenzy of the mimetic violence of the mob, a focal point suddenly appears, in the shape of the 'culprit' who is thought to be the cause of the disorder and the one who brought the crisis into the community. He is singled out and unanimously killed by the community. He isn't any guiltier than any other, but the whole community strongly believes he is. The killing of the scapegoat ends the crisis, since the transference against it is unanimous. That is the importance of the scapegoat mechanism: it channels the collective violence against one arbitrarily chosen member of the community, and this victim becomes the common enemy of the entire community, which is reconciled as a result. (Girard 2017: 47)

According to Girard, this is how the scapegoat curtails interpersonal violence and imposes structure on the community. Reciprocal violence would continue to escalate in a community until that community has a scapegoat to direct their aggression toward, unite them, and stabilize the

culture. It is by defining the scapegoat as guilty and threatening to the community, and violently

expelling them, that the community establishes internal bonds and finds peace.[4]

Girard's philosophical anthropology is interested in both "scapegoat as ritual and scapegoat

as effect" (Girard 1996, 12). Scapegoat *ritual* refers to the Leviticus ritual that gave us the concept,

as well as rituals that are of a similar model in mythology and anthropological studies. A scapegoat

effect describes a process closer to what we mean by 'scapegoating' in common parlance:

> two or more people are reconciled at the expense of a third party who appears guilty or responsible for whatever ails, disturbs, or frightens the scapegoaters. They feel relieved of their tensions, and they coalesce into a more harmonious group. They now have a single purpose, which is to prevent the scapegoat from harming them, by expelling and destroying him. (Girard and Williams 1996: 12)

In other words, when we employ the term 'scapegoating' we commonly take ourselves to be

talking about a group relieving some tension or anxiety by harming, expelling, or destroying an

individual who appears guilty. What does it mean for an individual to *appear* guilty to the group?

Girard argues that those who are already socially marginalized due to their differences tend to

polarize and attract the hostilities of the population during times of crisis. The scapegoat is, by

definition, an innocent member of the society. Girard is clear, though, that these scapegoated

individuals must be, on some level, believed to be guilty. In order for the ritual to effectively quell

the violence, the community cannot be aware of the social order-generating nature of the ritual.

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[4] The victim of scapegoating fulfils two functions: they are recognized as the cause of the initial violence, and at the same time, they are sacralised as holding the power to put an end of the conflict. Girard theorizes that Christian theology interrupts this scapegoat mechanism by its self-awareness of the innocence of Jesus Christ as a victim. This has the power to reeal the dynamics of the scapegoat cycle that were previously hidden. It is important (and encouraging) to consider the possibility of recognizing our scapegoating patterns and escaping them. However, the consideration of the Christ myth and its political theological implications is beyond the scope of this paper.

Girard's framework offers resources for feminist analysis through his description of the conditions under which the scapegoat mechanism develops, the choice of victim, and the stabilizing function their expulsion plays in society. To reiterate, first, there is a period of social and/or cultural crisis leading up to any heightened period of scapegoating. Girard argues that scapegoating tends to occur during times of unrest that involve the weakening of existing institutions. In other words, there is widespread anxiety around the end of rules and hierarchical differences that define cultural and social orders (Girard 1986, 14). For example, witchcraft accusations in early modern Europe "often reflected a wide variety of social tensions" during a period of rapid social change characterized by dramatic population increase, unprecedented economic inflation, as well as outbreaks of the plague, bad harvests, and famine (Levack 1987, 117-118). This environment of social change and related anxiety helps explain the prevalence of scapegoating behavior. Under these conditions, individuals tend to place the blame on a small number of individuals, as the cause of the problems taking root in society.

The choice of victim on a Girardian model is also relevant. Not only are victims chosen arbitrarily according to physical and mental differences that already marginalize them, but the crowd tends to identify their crimes or faults as fundamentally connected to the threats in the foundations of hierarchical and cultural order. In early modern Europe, "strict gender roles (i.e., women as mothers, caretakers, and homemakers) made it easy to target the women who stepped outside of their assigned role. Powerful women and/or women who transgressed the boundaries of the gender binary were seen as an evil" (Rosen 2017, 24). Many women accused of witchcraft were condemned for defying their role as proper Puritan women, and most were widows or postmenopausal, no longer able to perform wifely-duties and considered undesirable in society. Moreover, so-called 'witches' were "not only a threat to men, but also a threat to the women who

conformed to the Puritan way of life" (Rosen 2017, 26). The connection between the victim and the weakening of institutional gendered order can be inflated or entirely fabricated. As Girard writes, the choice of the scapegoat is not a matter of innocence or guilt:

> As I see it, the relationship between the potential victim and the actual victim cannot be defined in terms of innocence or guilt. There is no question of 'expiation'. Rather, society is seeking to deflect upon a relatively indifferent victim, a 'sacrificeable' victim, the violence that would otherwise be vented on its own members, the people it most desires to protect. (Girard, 1977, p. 4)

Girard's point here is that scapegoats are not chosen because of any actual wrongdoing. Rather, they are selected for their marginality, difference, or visibility, and only *after* their selection are narratives of guilt constructed around them. In this sense, guilt is retrofitted; the scapegoat must appear guilty for the mechanism to work, even though their guilt is manufactured. This helps explain how scapegoats are *constructed as* guilty and threatening to the community: their guilt is not discovered, but assigned, as a necessary feature of the unifying sacrifice.

Finally, on a Girardian theory of scapegoating, this act of sacrifice unites members of the community and restores social order. This ritualistic act of violence is then re-enacted so as to forestall relapses into destruction. By labelling those who defy these norms as evil, their punishment is seen as justified, and the overarching gender order restored and preserved. It is crucial for the success of the scapegoat mechanism that those responsible for destroying the sacrificial victim believe that they are ridding themselves of an evil or destructive force in society. The accusations brought against women for witchcraft served a social function of maintaining Patriarchal norms and structures. This had long-reaching effects like consolidating norms around sexual conduct and femininity, norms that continue to inform treatment of gender minorities today. Namely, these persecutions reinforced the association of femininity with moral danger and deviance, shaping enduring norms around sexual purity, bodily control, and gender conformity

that continue to inform the policing of gender minorities today – particularly trans women, who are often framed as deceptive or dangerous in similar moral terms.

While Girard's analysis was rooted in ritual and myth, the same structure of collective blame now operates symbolically and institutionally. In modern political contexts, legislative and media discourses perform the scapegoat mechanism through lawmaking and moral panic rather than physical sacrifice. This translation from ritual to rhetoric underscores how scapegoating remains effective even when its violence is bureaucratic or discursive.

2. A Feminist Analysis of Scapegoating

In our modern world, the urge to blame permeates our political and social landscapes, and the same groups continue to be re-victimized time and time again: immigrants, racialized people, religious minorities, women, people with disabilities, people living in poverty, and gender-non-conforming people. This section adopts and expands upon elements of Girardian scapegoat theory as a way of framing the legislative history to follow. These elements work together to construct certain marginalized groups as dangerous, suspicious, and presumptively blame-worthy and encourage dominant groups to treat them accordingly, such that their oppression remains entrenched and socially justified. These elements are useful tools for articulating the dynamic nature of scapegoating as an oppressive mechanism that evolves to fit the rhetoric of the time. Scapegoating makes use of existing power dynamics to direct blame and aggression toward certain marginalized people and maintain their oppressed status in many areas of social life. I explain each element as well as the function it plays in transphobic attitudes, including how those attitudes translate to institutional practices and laws.

In his analysis of the politization of trans identity, Loren Cannon (2022) applies Girard's theory of scapegoating to explicate the demonization of individuals and groups as subhuman or monstrous. Cannon writes that,

> Monsters, according to Girard, are indicative of the kind of rejection of differentiation that he believes is the heart of the scapegoating mechanism [...] LGBTQ individuals, and here the focus is on trans and gender non-conforming and gender non-binary persons, have a long history of being seen as monstrous to those who oppose our full social participation and reject our moral value (Cannon 2022: 142)

Cannon powerfully connects a designation of 'genderless existence' to 'monstrous status', often made known through the use of 'it' as a pronoun applied to trans and gender non-conforming people. Referring to a person as an *it* brings along an attitude of dominance, thoughtlessness, lacking in care, empathy, or concern (*Ibid* 143). It is to transform the marginalized into an essentialized other – a monster – and this is particularly important in the construction of a scapegoat.

One of the key elements of scapegoating, including Girard's, is the identification of a target onto which 'blame' is shifted for certain social or psychological ills. This section explores how certain groups are made into credible targets of scapegoating.

2.1 Essentialization

When people scapegoat, they participate in a form of *essentialization* that (i) falsely attributes a threatening nature to some group, and (ii) justifies blaming that group for some social or psychological ill by appealing to that nature. This sub-mechanism convinces the scapegoaters that the target's nature is unavoidably a blameworthy threat and hence that violence and exclusion are necessary. The marginalized and/or victimized status of the target in society can then remain justified or ignored. In other words, by various methods of emphasizing, essentializing, and fabricating differences, already marginalized people are pushed further from

normative social status, increasing their risk of persecution by scapegoating. Trans people, in particular, are subject to this dynamic: they are framed as inherently deceptive, dangerous, or unstable, and therefore as threats to social order.

The construction of trans people as inherently threatening is evident in the policing of transgender people's bathroom access in the name of 'protection' from 'bathroom predators' in both the US and UK (Steinmetz 2016). Despite evidence that the passage of such laws is not related to any documented increase in safety risks, and that transgender people are far more likely to be victims than perpetrators in public spaces, much of the support for bathroom bans is framed in terms of protecting women and children from deception or harm. As Steinmetz (2016) notes, this framing has been particularly effective because "for decades media portrayed transgender people as deceivers or deviants."

In her influential article "Evil Deceivers and Make-Believers" (2007), Talia Mae Bettcher critiques the social framework that casts trans women as "deceivers" who trick others through their gender presentation. According to this logic, when a trans woman presents as female, she is viewed as concealing the "truth" of her sex, thereby triggering accusations of deception. While this framing is often treated as a response to mistaken individual belief, Bettcher argues that it is underwritten by a systemic *communicative relation* – a cultural code in which gender presentation is expected to transparently indicate genital status. According to Bettcher, this is a structural constraint on intelligibility. She writes: "Nothing short of the elimination of this communicative relation will alter the deep social mechanism that prohibits transpeople from existing within dominant mainstream with any authenticity at all" (Bettcher 2007, 55). In this framework, deception is not a misunderstanding; it is structurally built into how trans identity is read. Bettcher's account helps clarify how trans people are positioned as targets within a broader

scapegoating dynamic. The communicative relation she describes does not merely render trans people vulnerable to misrecognition – it creates the very conditions under which they are readily marked as deviant, deceptive, and blameworthy. The system codes authenticity as impossible, making trans people available as scapegoats in moments of moral panic.

This system of enforced legibility surfaces in many areas. For instance, trans women athletes are often accused of gaining unfair advantages simply by virtue of their identity, and public panic about bathroom access frequently invokes the idea that cis men might "pretend" to be women to commit crimes (Steinmetz 2016). In other words, deception is essentialized into the social identity of transgender people, such that it need not even be a trans person committing the deception for the blame to be placed on them. According to this rhetoric, if a cisgender man falsely claims to be transgender to enter a space and commit a crime, it is the deceptive potential of trans-ness that made it possible. In other words, deception is not only attributed to trans people – it is essentialized as part of trans identity itself.

The consequences of this framing are not limited to policy but extend to violence and legal justification. Fear and rage at having "been deceived" has been used to justify violence perpetrated by cisgender people against trans people. Bettcher examines a case from 2002 in which transgender woman Gwen Araujo was beaten, killed, and buried in the Sierra wilderness by a group of cisgender heterosexual men. The lawyers of the three men charged with first-degree murder argued that their clients were only guilty of manslaughter on the basis of what has come to be known as the "trans panic defense" (Bettcher 2007, 44). This defense strategy, which argues that the murder was committed in the heat of passion upon discovery of Araujo's 'biological sex', assumes that 'hiding' one's 'true sex' amounts to a sexual violation by way of fraud. One of the men on trial was quoted as saying: "Sure we were angry. Obviously she led us

on. No one knew she was a man, but that's no excuse to hurt someone. I don't believe two wrongs make a right" (ibid). What becomes strikingly clear from this method of legal defense, combined with the statement made by the killer, is the suggestion that Araujo had herself engaged in wrongdoing, simply by being transgender. 'Sexual deception' was essentialized into her identity, such that it could be used to justify her oppression. Put differently, her trans-ness had been socially constructed as a threat serious enough to warrant any means of protection – up to and including outright murder.[5]

In situations of oppression, identities are formed oppositionally – one of the mechanisms through which this happens is scapegoating, wherein one group is essentialized as threatening and another is constructed as worthy of protection. The construction of oppressed identity functions to create an oppositional identity for dominant groups. This is part of the impetus for scapegoating a marginalized group. If the target is a threat, that means there are others worthy of being threatened. It builds the identity of both scapegoated and scapegoater along oppositional lines, embedding positive characteristics into the identity of the dominant, building up the image of that group as protection-worthy. As the next section will argue, scapegoating not only involves the shifting of blame onto a marginalized target, it bonds those who participate in its dynamics of blame.

2.2 'Collective interest'

The blame-shifting that characterizes scapegoating is made powerful through its collective enactment to expel or punish a perceived threat to a shared social order. A feminist analysis of scapegoating must then explain this form of 'collective interest' vis-à-vis a commitment to the

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[5] Those who have been constructed as threats along various lines of identity will thereby be even more vulnerable to violence; more than three-quarters of the trans and nonbinary people killed in the United States in 2020 were people of color, with trans women of color at particular risk.

social group and dominant status quo being protected, whether that defense requires active persecution of a perceived threat or affective indifference when a scapegoated group is suffering. The result is that scapegoating contributes to the esteem of a dominant group, justifies, and obscures the means for their protection and the guilt or responsibility that could accompany it. A single person blaming another person and acting violently against them is simply vengeance, bigotry, violence. The collective nature of scapegoating can be traced through various cultural practices of expulsion and maltreatment, all the way to the oppositional basis for our social identities, as explained above.

According to Margaret Denike, scapegoating occurs at the margins of a community precisely to define the community positively against some archetypal threat: "Operating at the imposed borders and margins of the community … [the scapegoat] carries with it the fears and anxieties of communities caught up in cycles of vengeance and in the desire to define itself against *those others* on the right side of a vindictive justice" (Denike 2015, 113-114). The community itself is in some ways borne out of this coming together against a scapegoat. But scapegoating an othered group does not just create and bond communities, it justifies all sorts of inhumane treatment of them in service of protecting the dominant group. By constructing certain groups as threatening and defining one's own group against those others, group borders become entrenched into structural mechanisms of 'threat management'. Scapegoating rhetoric allows members of certain groups to be subjected to discriminatory tactics, detained, deported, or killed at the hands of those hired to 'serve and protect' the 'public.' In managing a threatening 'other,' the dominantly situated can form or deepen group boundaries, while excusing or ignoring responsibility in the ongoing conditions that construct that threat. For example, US President Donald Trump has consistently shifted blame onto immigrants at the US-Mexican border (among

others) for social problems (e.g., drugs, crime) throughout his political career. Not only did this public form of interpersonal scapegoating of Mexican immigrants help secure the presidency for Trump, by fabricating a threat and positioning himself as having the power to protect Americans through any means necessary, it worked to *justify* existing conditions of discrimination and oppression faced by Latinx peoples in the US. Moreover, the scapegoating of illegal immigrants serves to consolidate a kind of nationalism for a massive social group and a particular national identity ('true' legal Americans). This social cohesion and group boundary formation is facilitated by the othering process of scapegoating.

The constructed 'threat' posed by transgender people would not hold weight without the dominant group identities that position themselves as needing protection. While cisgender/heterosexual men are typically constructed as those *doing* the protecting rather than in need of protection, when their dominant identity is made vulnerable by their attraction or proximity to a trans woman, it is considered reasonable or expected that they will violently protect themselves and their sexual identity. To return to the murder of Gwen Araujo, the killers testified to this, arguing that "sexuality, our sexual choices, are very important to us …that's why the deception in this case … was such a substantial provocation – sexual fraud, a deception, a betrayal" (quoted in Bettcher 2007, 45). The threat posed by the trans woman they murdered was not a physical threat – she was a threat to their identities as heterosexual men. They acted as a group, violating Araujo in service of protecting themselves from a perceived attack on their 'collective interests' – the status and self-esteem received from being heterosexual cisgender men. Their self-esteem is tied up in belonging to a dominant social class, and this status is predicated on it being *worthy of protection*.

The constructed threat of trans women is not only taken up by men. The trans-antagonistic[6] movement on the rise today makes use of a variety of 'cis-woman protective'[7] arguments. Trans-exclusive radical feminists (who now prefer to be called "gender-critical feminists") regularly accuse trans women of co-opting women's oppression, silencing women, and posing physical threats to women-only spaces (Gutzwa 2021). This faction of cisgender women not only work to construct transness as "parasitic" and dangerous; they are bonded together as a group through the process. According to an organization that connects radical feminists with anti-LGBTQ groups to campaign against trans rights,

> The women in our coalition chose to set aside their differences and work together after we saw firsthand the deeply negative and downright dangerous consequences of ignoring bodily sex. We watched as doctors enabled irreversible damage to our daughters' bodies, we sat stunned as boys took away our sisters' sports opportunities, and we wept as our lesbian friends poisoned their bodies with testosterone in an attempt to appear male (Burns 2019).

Fear of these 'dangerous consequences' unites a group of women who otherwise have little in common. Then, working in their 'collective interest', this group (and others like it) campaign for various forms of exclusion and subjugation, from sports regulations to bathroom laws to banning trans-affirming health care.

Not only are cis-women positioned as in need of protection from transgender individuals, cis-women's rights and legal protections are often positioned as oppositional to trans rights and protections (McNamarah 2022). This binary construction of rights helps bond cis women through a shared sense of anxiety and threat as a community victimized by the same identifiable

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[6] According to Julia Serano, trans-antagonistic individuals are those that are "fundamentally opposed to transgender people for specific moral, political, and/or theoretical reasons". (Serano, "There Is No Perfect Word: A Transgender Glossary of Sorts")

[7] I refer here to a label used by Chan Tov McNamarah in her work on 'Cis-Woman-Protective' arguments in American law. For this term, McNamarah draws on Marc Spindelman's work on a family of oppressive justifications in which women's interests form the crux.

problem (i.e., transgender women). And this bonding has consequences; by targeting and marginalizing trans people through various substantive issues, cis women reinforce established lines of social power. At its core, cis-woman-protective antagonism functions to performatively establish heteronormative and cisnormative domination and bonds among cisgender people. It constitutes what sociologist Stanley Cohen calls a kind of 'morality play' enacted by powerful "members of the community who, perceiving a threat to social order dominated by themselves, were anxious to reassert their power and ideological legitimacy by juxtaposing themselves negatively against deviants of their own making" (Cohen 1972). While all women are oppressed in a patriarchal society, there is considerable social power associated with being a cis woman, especially when bolstered by whiteness. This communal form of 'morality play' employs and elevates what has been called 'cultural cisgenderism' (Kennedy 2013). According to Kennedy, cultural cisgenderism includes the systematic erasure of trans people, the external imposition of binary gender, and a deterministic view of gender as immutable (Kennedy 2013, 2-4). This involves a network of social meanings that assigns sex/gender as a binary, and excludes the possibility of trans existence. It may also include the belief that cis women are 'biologically good' compared to men, a form of biological superiority.[8] In any case, the social power of being cisgender is made powerful by positioning cisness against transness, and particularly cis women *as a collective* against trans women *as a threat*. In an oppressive culture, those in dominant positions are taught to treat power as a limited resource to be hoarded and protected. Cisgendered bonds are being performatively hoarded and protected through a collective clinging to binary gender, 'biological' womanhood, and the scapegoating of trans people. These public 'debates'

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[8] Andrea Dworkin describes biological supremacy as "the world's most dangerous and deadly idea" (Dworkin 1977). These ideas of biological difference, that "women and men are distinct species or races (the words are used interchangeably); men are biologically inferior to women; male violence is a biological inevitability" belong to the same demagogic logic of biological racism and white supremacy (Ibid).

about trans people do nothing to protect cis women as the alleged threat is overblown.[9] What these debates do more successfully is maintain a binary between cis and trans women that holds differential social power. Those that bond together in opposition to trans people as a threat are performatively enacting and defending dominant cultural cisgenderism.

While essentialization provides crucial justificatory preparation for scapegoating, the *collective* nature of scapegoating is key to its social functioning by promoting bonding among the members of the scapegoating group and constructing the scapegoating logic as necessary for the protection of those deemed worthy.

2.3 Social Exclusion

Finally, scapegoating involves varying degrees of *social exclusion* that prevent the scapegoated from challenging their status. The culmination of the scapegoat mechanism, then, is the restored sense of security in the status quo achieved through social exclusion. A Girardian theory of scapegoating claims it achieves a sense of social peace. A feminist extension of this theory can understand 'social peace' as a status quo that requires critical interrogation. Even if social peace and the status quo were not truly threatened or were justifiably threatened due to injustices embedded within the existing status quo, the punishment and expulsion of those blamed re-establishes a 'social order' that continues to privilege and protect the dominant group(s). Moreover, social exclusion is necessary to scapegoating because it protects a status quo that serves the dominant group by allowing those who benefit from oppression to avoid confronting the reality for those pushed to the margins and subjugated. Each targeted group is further excluded from normative society, justified by their supposedly threatening natures.

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[9] To quote McNamarah, "According to the best estimates, 0.6% of the adult population in the United States, or around 1.4 million persons, is transgender. By contrast, 50.8%, or 162.06 million persons, is assigned female at birth." (903). The idea that cis women's social resources or power is being meaningfully undermined by trans women is wildly overblown, if not entirely fabricated.

By constructing certain groups as threatening and defining one's own group against those others, group borders become hardened by means of 'threat management'. In managing a threatening 'other,' the dominantly situated can excuse or ignore responsibility in the ongoing conditions that construct that threat. For instance, studies show that in the vast majority of sexual assaults, the victim already knows the person who sexually assaulted them (Miller et al. 1996). But rather than confront this reality, it is easier to shift blame for sexual violence onto transgender people and the laws that protect access to facilities consistent with their gender. Blaming an already marginalized and essentialized group relieves mainstream society from the uncomfortable process of examining their own role(s) in systemic sexual violence.

Social exclusion also prevents the blamed from being able to challenge or change their condemnation. Social exclusion of transgender people "translates into increased vulnerability to HIV, other diseases, including mental health conditions, limited access to education and employment, and loss of opportunities for economic and social advancement" (Divan et al., 2016). Trans people are often marginalized by mainstream society such that they are forced to live in criminalized contexts. This makes many trans people subject to extortion, abuse, and violence, without the legal recourse to seek justice. The exclusionary environments and legislation that fuel this kind of social vulnerability are built on a foundation of scapegoating.

It is important to note the spectrum of social exclusion that is enacted in the legislation that follows. While some forms of scapegoating result in spatial social exclusion, wherein the target is physically excluded from social spaces, others take a more intangible form. Some forms of legislative scapegoating result in identity-related exclusion, wherein the target is not accepted on their own terms. This may involve being included in a group or social activity on the condition

that one misrepresent one's own sense of self. These, too, are part of the social exclusion that is fundamental to scapegoating.

3. Legislative Scapegoating

In this section I briefly explain four categories of legislation, citing an example of a proposed or passed bill, and argue that scapegoating undergirds the reasoning of each. In each case, I will draw attention to the related 'social ills' for which trans people are being blamed and legislatively targeted.

(i) Education

Educational bills seek to restrict discussions of sexuality and gender in elementary schools. Florida's Parental Rights in Education Law, known also as the "Don't Say Gay" law, is meant to restrict instruction about sexuality and gender considered by its supporters to be developmentally inappropriate, and allows parents to sue schools they believe are not complying. It also requires teachers to inform parents if they believe that their child is transgender. According to its supporters, the bill is intended to shield children from sexualized content and "reinforce that teachers should conform to state curriculums" (Izaquirre 2023). This positions the state curriculum, and the status quo it represents, as under attack by LGBTQ people and culture. This perceived social ill, according to Republican senator Erin Grall, consists of an agenda of sexual confusion: "You see society coming at our children in a culture war that has an agenda to make them confused. We are depriving children of the ability to figure out who they are when we push an agenda, a sexualized agenda, down onto children." (ibid). The wellbeing of school children is framed as under attack by any initiative to teach about gender identity and sexual orientation.

This strategy of introducing anti-LGBTQ legislation in an effort to "save" children further employs scapegoating tactics to shift blame onto opponents. Florida Governor DeSantis' office labelled opponents of the bill as "groomers", a coded word for pedophiles, and called 2022 the "year of the parent" in Florida. By positioning children as under threat by LGBTQ freedom, political rhetoric like DeSantis's encourages scapegoating in the name of protecting children. In other words, LGBTQ people are being blamed for the social ill of pedophilic grooming. Child sexual abuse is a real and widespread issue across the US and globally. There is good reason to be concerned when approximately 1 in 4 girls and 1 in 20 boys experience sexual abuse before turning eighteen.[10] However, we should also be concerned that transgender people are getting the brunt of the blame for this issue when research has consistently shown that trans people are no more likely to sexually abuse children than cisgender people[11] and that LGBTQ children are nearly four times as likely to experience child sexual abuse than their straight peers.[12] While safeguarding children from 'groomers' is a legitimate cause, it has been unfairly directed toward a group of marginalized people in order to garner outrage and votes. This tactic further marginalizes and socially excludes LGBTQ youth from finding safety in their identity. While the social ill at the center of this debate is real, the target of blame is misplaced. Trans people are being targeted in order to justify further marginalizing them from the educational curriculum.

When the narrative presented to the public implies that they can either support LGBTQ-positive books and conversations in schools *or* protect children from grooming predators, there is

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[10] For example, see Finkelhor D, Shattuck A, Turner HA, Hamby SL. The lifetime prevalence of child sexual abuse and sexual assault assessed in late adolescence. J Adolesc Health. 2014 Sep;55(3):329-33. doi: 10.1016/j.jadohealth.2013.12.026. Epub 2014 Feb 25. PMID: 24582321.

[11] Jenny C, Roesler TA, Poyer KL. Are children at risk for sexual abuse by homosexuals? Pediatrics. 1994 Jul;94(1):41-4. PMID: 8008535.

[12] Friedman MS, Marshal MP, Guadamuz TE, Wei C, Wong CF, Saewyc E, Stall R. A meta-analysis of disparities in childhood sexual abuse, parental physical abuse, and peer victimization among sexual minority and sexual nonminority individuals. Am J Public Health. 2011 Aug;101(8):1481-94. doi: 10.2105/AJPH.2009.190009. Epub 2011 Jun 16. PMID: 21680921; PMCID: PMC3134495.

a false dichotomy being fabricated to maintain a status quo of exclusion. And this is precisely

how it has been presented, with DeSantis' press secretary tweeting:

> The bill that liberals inaccurately call "Don't Say Gay" would be more accurately described as an Anti-Grooming Bill […] If you're against the Anti-Grooming Bill, you are probably a groomer or at least you don't denounce the grooming of 4-8 year old children. Silence is complicity. This is how it works, Democrats, and I didn't make the rules. (Christina Pushaw, March 4 2022).

Scapegoating LGBTQ people and their supporters for legitimate harm against children deflects

attention away from the systems, norms, and actors that actually facilitate such harm – systems

that disbelieve children's embodied experiences, suppress their autonomy, and enable their

sexualization and exploitation under the guise of protection. As Joseph Fischel argues, popular

and legal discourses often focus on "dangerous individuals" as the locus of sexual harm, thereby

masking the institutional structures and everyday normative practices that systematically render

children vulnerable (Fischel 2010, 2016). Targeting a narrow category of "predators" enables

public bonding through moral condemnation while obscuring how harm is maintained and

normalized through shared cultural assumptions – including the belief that children are incapable

of knowing or expressing what is good for them.

(ii)   Sports

Sports bills seek to "protect women's sports" by restricting trans people (most often trans youth)

in sports clubs. Idaho was the first US state to pass a trans youth sports ban in 2021, and since

then over one third of US states have passed laws banning transgender students from

participating in sports consistent with their gender identity. This creates a situation in which trans

youth are forced to choose between being outright excluded from sports clubs, or to play on a

team by misrepresenting their sense of self. This double bind is an example of the unique forms

of social exclusion faced by trans people by way of legislative scapegoating.

The Idaho bill is known as the Fairness in Women's Sports Act, which exemplifies that these bills are justified by the (supposed) need to "preserve the integrity of women's sports and ensure it remains safe and fair for all" (Adams 2022). The social ill presented by sports bans is reliant on faulty reasoning. Governer of South Carolina and former Presidential Candidate Nikki Haley falsely claimed that transgender girls playing sports contribute to teenage suicide ideation in cisgender girls, calling it "the women's issue of our time" (Ring 2023). Fabricating a connection between trans youth in sports and (cisgender) teenage girls' suicidality utilizes scapegoat logic to ascribe blame for a complex social ill far beyond the victim's control.

In 2022, Utah Governor Spencer Cox vetoed a bill barring trans athletes in girls' sports, citing his concern for the mental health of transgender youth:

> …kids who aren't dominating or winning trophies or taking scholarships. … who are just trying to find some friends and feel like they are part of something. … Rarely has so much fear and anger been directed at so few. I don't understand what they are going through or why they feel the way they do. But I want them to live.[13] (Cox 2022).

Cox's veto speaks to the misrepresentation of the participation of trans youth in sports. In reality, of 75,000 high school kids who play sports in Utah, only four are openly transgender (Branigin 2022). The threat of trans youth on women's sports is nonexistent – it is a fabricated and exaggerated threat. This threat is informed by an essentialized construction of trans people as threatening and deceptive. Still, Cox's veto was overridden.

This particular 'social ill' – the notion that transgender people are unfairly accessing resources, scholarships, and sports reserved for cisgender people – is fabricated. It is also an instance of the cis-woman-protective antagonism discussed above. For example, trans-exclusive activist groups often share concerns about transgender women's access to scholarships and

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[13] Cox is likely referring to the fact that eighty-six percent of trans youth report suicidality (Austin et al. 2020).

preferences, and how that will affect cisgender women and girls' access to these resources. According to author Meghan Murphy:

> If we say that a man [sic] is a woman because of something as vague as a feeling or because he [sic] chooses to take on stereotypically feminine traits, what impact does that have on women's rights and protections? Should he [sic] be allowed to apply for positions and grants specifically reserved for women, based on the knowledge that women are underrepresented or marginalized in male-dominated fields or programs and based on the fact that women are paid less than men and often will be fired or not hired in the first place because they get pregnant or because it is assumed they may become pregnant one day? (quoted in McNamarah 2022, 902).

Chan Tov McNamarah breaks down Murphy's statement into three innuendos about trans advancement: that trans women dilute access to resources set aside for women, that trans women do not *merit* said access, and that cis men will falsely claim transgender status to gain access to these resources (*Ibid,* 902-903). These innuendos play upon existing constructions of transgender people being deceptive and deviant, constructing them as scapegoats. By positioning trans women's access as opposed to women's struggle to achieve equality, cis women can shift the blame for their social disadvantages onto trans people. And, importantly, cis women can maintain their exclusive access to these resources, and the cisnormative bonds that seek to protect them.

By creating division through scapegoating (constructing groups as threatening and encouraging people to treat them as such by blaming them for social anxieties), dominant power structures are protected. By falsely attributing to trans people the power to destroy a young girls' aspirations to succeed at sports and contribute to suicidality among young cis girls, real systems of oppression (and those that protect them, knowingly or not) are spared the attention they deserve. For example, access to after school sports is growing more unequal when it comes to poor children (Wong, 2015). For an increasing number of children, the costs of sports teams and

campus clubs are luxuries their parents cannot afford. However, growing income-based disparities in youth sports is not the national topic of panic when discussing what makes youth sports unfair. Instead, the focus of discussion is the threat posed by a tiny percentage of trans student athletes. This function as a distraction from larger structural issues built into the status quo by placing blame on the back of an already vulnerable group.

(iii)   Identification

Identification bills are those that seek to restrict trans people from correcting their gender markers on identification documents, including banning the use of nonbinary designation on ID (as in Oklahoma's bill) and preventing trans people from changing the gender on their birth certificates (as in Tennessee). In the UK, the equalities minister recently announced a list of countries whose gender recognition certificates are recognized by the UK, which means that transgender people from more than 40 countries may no longer have their legal gender recognized by the UK government. At the same time, the UK government is challenging the Scottish government's mandate to implement a gender recognition reform bill that simplifies the process by which transgender individuals can legally change their birth certificates. According to Nancy Kelley, the chief executive of Stonewall, and Colin Macfarlane, the LGBTQ+ rights campaign's Scotland director, these combined moves send the message "that the UK government sees trans people as a threat to be contained, not citizens to be respected" (Brooks, 2023). If Scotland were to end up on the list of countries whose process is not considered "equivalently rigorous" due to its new reform bill, there is concern that this could effectively serve as a "trans travel ban" by reducing the practical usefulness of trans peoples' right of free movement within the UK (*Ibid*).

Identification bills are responding to a fabricated social threat of transgender deception, the same perceived 'threat' that underlies the policing of transgender bathroom use. Research has shown that allowing trans people to use public facilities that align with their gender identity has no effect on crimes committed in those facilities.[14] The real threat of sexual violence in a private space (whether that is a bathroom or a bedroom) is misattributed to trans people, shifting responsibility and social attention away from the systems that deter or retraumatize survivors of sexual violence from seeking justice or protection. It also functions to justify and mask the oppression of trans people and all those facing systemic sexual violence.

Ultimately, these bills reinforce the essentialization of trans people as 'really' the sex they were assigned at birth, reifying trans-ness as deceptive. This construction is used to justify more and more rigorous methods of recognition, a process often described by applicants as "demeaning, intrusive, and traumatic" (Nirta 2023). Moreover, not having accurate identification leaves trans people open to further social exclusion and victimization. For example, if a trans person's identification documents do not match their gender identity, they may be denied employment, housing, healthcare, and other basic services, increasing their vulnerability to discrimination, harassment, and violence. Moreover, this legislation further entrenches a double bind facing trans people: 'pass' as cisgender and risk violence upon discovery of one's assigned sex due to the essentialization of transness as inherently deceptive, or be immediately identified as trans and be subject to rampant social persecution due to being constructed as the face of a particular kind of threat (e.g., bathroom predator). In other words, legislative scapegoating puts

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[14] See: Hasenbush, A., Flores, A.R. & Herman, J.L. Gender Identity Nondiscrimination Laws in Public Accommodations: a Review of Evidence Regarding Safety and Privacy in Public Restrooms, Locker Rooms, and Changing Rooms. Sex Res Soc Policy 16, 70–83 (2019). https://doi.org/10.1007/s13178-018-0335-z

trans people in a position where avoiding exclusion and harm is made impossible by the social construction of their group.

    (iv)   Healthcare

Among the most common types of laws against trans people are health-care bills that seek to criminalize doctors who provide gender-affirming care to trans youth. Parents supporting their kids as they seek treatment are also vulnerable to punishment under some of these bills. Even the hospitals and clinics that provide gender-affirming care are pressured by these bills to stop through legislative threats to withhold their funding.

    Similar to the bills mentioned above, these legislations are also framed as necessary for the protection of youth. In 2021, Arkansas passed a bill called the "Save Adolescents from Experimentation Act", which would ban gender-affirming care, including puberty blockers, for all minors. In the 2024 legislative cycle, 133 bills aiming to restrict such treatments were introduced. Those in favor of these acts testify to the concern that patients of this age group are too young to make permanent decisions about their health. Supporters also claim that gender-affirming treatments represent an interference in the parent-child relationship, arguing that parents should have the right to make decisions about their child's medical care. Others raise concerns that providing gender-affirming care goes against religious beliefs and should not be required by any medical professional. And still others argue that gender dysphoria is a mental health issue that should be treated with therapy rather than medical interventions, otherwise risking further mental health issues or regret.

    Even if some of the concern surrounding youth healthcare is well-meaning, it misses important facts about the reality of trans interventions and experience: Many of the medical procedures being banned are considered fully reversible, including pubertal suppression (which

allows for a 'pause' on puberty), and gender-affirming hormone therapy (using hormones to allow the body to develop physical changes that align with a person's gender identity) (Matouk & Wald, 2022). And when it comes to less frequent and more involved gender-affirming care, such as chest surgery, regret is very rare (less than 1%) and relief in dysphoria is significant (Olson-Kennedy et al., 2018). Despite evidence that fears about regret are disproportionate,[15] these fears are being weaponized to undermine the decisional autonomy of trans people. All the while, denying gender-affirming care is shown to have potentially serious consequences for the mental and physical health of trans youth – there is medical consensus that trans youth who receive gender-affirming care have better mental health outcomes than those who do not, including lower rates of depression and anxiety, as well as improved quality of life and self-esteem.[16] Over half of trans youth have reported a suicide attempt, which, if successful, is a far more permanent decision. Recent studies have found that access to gender affirming medical care was associated with lower odds of lifetime suicidal ideation among transgender adults (Turban et al., 2020), and that the risk of suicide attempts was lower among trans people who received gender-affirming care (Herman et al., 2019). If it is truly the protection of mental wellbeing and survival of young people that is sought, these bills remove a lifeline to trans youth when at their most vulnerable.

Criminalizing doctors who provide gender-affirming care sends a message that trans youth are threats – to the parental-child relationship, to religious health care providers, and to themselves and their own mental and physical health. These bills put the onus on trans youth to prove their worthiness to access these services, which has the social implication that trans people

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[15] See: McQueen (2017) for more on the role of regret in medical decision making and MacKinnon et al., (2021) for an ethnography of practices for preventing transition regret.
[16] See: Olson et al., 2015; and Cornell University Public Policy Research Portal (2017).

are in some way deviant and responsible for the discrimination they face. And again, through institutional means, trans people are further marginalized, maintaining their oppression.

Like the previous forms of legislation, much of the rhetoric around gender-affirming healthcare is politically manipulative. During his run for Governor of Kentucky, Attorney General of Kentucky Daniel Cameron referred to gender affirming healthcare as "child mutilation" (Robertson 2023). Positioning transgender participation in education, sports, identification, and healthcare as indicative of a serious social ill has become a central part of many political campaigns. This political rhetoric capitalizes on heightened anxiety around evolving gender norms to ascribe blame and offer a path to social peace through the social and legislative exclusion of an already marginalized group.

4. Conclusion

Scapegoating is a morally reprehensible pattern of human society, and one that feminists have good reason to understand, uncover, and resist. Legislation like those outlined above make use of and contribute to the construction of trans people as threatening to public safety or societal norms. Supporters of these bills may or may not recognize the role they are playing in the scapegoating of trans people, but they are bonded as a group in opposition to the threat they perceive. The underlying 'social ill' being addressed by all of these bills is "an ideology of fluid sexuality not only undermines a scientific understanding of human anatomy but also damages the lives of the next generation" (Family Research Council 2024). It is transness, and gender/sexual variance more widely, that is the target. The specific threats are either misdirected or fabricated – by politicians, media, and/or through longstanding constructions of those who exist outside a specific gendered norm – but they are powerful. Gender non-conformance and trans experience is becoming more mainstream, and this provokes anxiety in many people whose identity is

firmly planted in the status quo and the social privileges it affords. Because scapegoating is experienced as a justified attribution of blame, the process evades the understanding of those participating in its dynamics. In fact, it is essential to the functioning of scapegoating that it remains obscure to its participants – to scapegoat is to be persuaded that the blamed are deserving of their treatment. This makes the recognition of ongoing scapegoating difficult, but not impossible.

While Girard emphasizes that scapegoating rituals depend the group believing in the guilt of the scapegoat and remaining unaware of the social-ordering function of their violence, this model can be complicated in modern political contexts. Today, there are actors who engage in scapegoating with varying levels of awareness. Some voters or supporters may sincerely believe that trans people pose a moral or social threat, while others, particularly politicians and media figures, may knowingly instrumentalize trans panic for political gain. In these cases, the bonding function of scapegoating can still succeed, even when performed in bad faith. The shared opposition to a marked "other" continues to produce group cohesion, identity, and emotional release, regardless of the sincerity of participants. In this way, the scapegoat function is no longer purely unconscious; it can be knowingly deployed, even commodified, and still serve its unifying role.

The feminist analysis of scapegoating I have provided gives us tools to account for how scapegoating processes may work to justify and to mask oppression of already vulnerable trans persons, specifically as scapegoating is being advanced through legislation and the attitudes that motivate them. Framing this analysis as feminist underscores that scapegoating is not only a mechanism of social order but a gendered one: it mobilizes patriarchal and cisnormative norms to define who is protected and who is punished. Scapegoating has the effect of justifying

discriminatory and hostile attitudes and institutional regulation against a group under the guise of

protecting against a threat. In this way, it justifies and masks oppressive systems for what they

are. We can do more to challenge these blame-shifting patterns when we have the conceptual

tools to recognize their reach into our legal and social relations.

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