

TERFs and their construction of the Otherness : a Critical Discourse Analysis of the opposition to the Spanish trans bill draft.

Mayte Cantero Sánchez

Supervisor's name: Toby Odland, Gender Studies, LiU

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Acknowledgments

The writing of this thesis has been a bittersweet process for me; it is the consequence of a complex political moment in my country, Spain, where LGBTI+ rights seem to be, once again, at stake. I would like to dedicate this research to those people who fight the systemic violence of the cissexual norm, specially those who also have to face the racist foreign law. I would like to thank my parents for their support. I also want to express my gratitude to my friend Catalina, who is always there to support my research ideas and help me materialise them. Finally, I would like to thank to my thesis director, Toby Odland, for their unvaluable support, feedback and patience during the process of the writing.

Abstract

The current left wing Spanish government is processing a law project that aims at broadening the rights of trans people. Nevertheless, a part of the very same government is expressing a frontal opposition to this measure. Trans Exclusionary Radical Feminist, TERFs from now on, which are part of this confrontative sector, have drawn two red lines which are: in the first place, the self-determination of gender, a historical claim that would end the processes of patologization of transsexuality, and in second place, the right for underage children and teenagers to receive health treatments for their transition. In this research, I study how the main arguments regarding the sex/gender system are constructed in two manifestos published online by two popular TERF platforms, Movimiento Feminista and Contra el Borrado de las Mujeres. I focus on which resources do they use to show their opposition to the trans bill draft and which ideas of sex/gender their arguments crystalize. In order to carry out the analysis of the texts I use Fairclough's "three-dimensional" Critical Discourse Analysis. The goal is to critically analyse the rationale behind the the arguments of Spanish trans-exclusionary radical feminists in the light of the new trans bill. The general aim of this thesis is to shed some light into this local manifestation of the international phenomenon that has been called "TERF wars".

Key words

TERF, sex, gender, trans bill.

Content

| | | |
|-----|---|----|
| 1. | Introduction..... | 5 |
| 2. | Problem, Research Question and Arguments. | 6 |
| 3. | Background..... | 7 |
| | 3.1.Previous legislation in Spain and its regions concerning Trans rights | 7 |
| | 3.2. 2021: The trans bill | 9 |
| 4. | Evaluation of sources and methods..... | 11 |
| 5. | Research ethics..... | 13 |
| 5. | Methodology | 14 |
| 6. | Literature Revision..... | 16 |
| | 6.1. Same old, same old: Cultural wars in perspective | 16 |
| | 6.2. Spanish literature revision..... | 18 |
| 7. | Theory: a glossary of terms..... | 21 |
| 8. | Study of the manifestos: Constructing the Otherness | 24 |
| | 1.Short overview of the two texts | 24 |
| | 2. Discourse as a text: textual analysis..... | 27 |
| | 3. Discourse in practice: production and consumption | 31 |
| | 4. Discourse analysis as a social practice..... | 33 |
| 9. | Conclusion | 36 |
| 10. | Works cited | 39 |

1. Introduction

In August 2021, some days after closing for summer holiday, the LGBT bookshop “Mary Read”, run by queer and trans¹ people in the city centre of Madrid, was vandalized with some graffiti saying “No to the hormonation of under-aged children”, “Saying the truth is not a crime”, “Sex orientation exists” (de las Heras, 2021). In March 2022, the professor Joana Gallego, co-coordinator of the MA in Gender and Communication of the Universidad Autónoma de Barcelona, said publicly that she was the target of a witch hunt and of cancel culture. She has an opinion column in a newspaper, and she has repeatedly written against the participation of trans women in the feminist movement. Therefore, when the university classes started, no-one showed up to her lessons as a sign of protest (Melgar, 2022). Amidst this candescent cultural ambiance, the draft of the trans bill in Spain is trying to continue its path to become an organic law that depatologises trans lives and acknowledges for the first time the existence of queer people. For the Trans Exclusionary Radical Feminist, TERFs from now on, the two hot topics are, in the first place, the self-determination of gender, a historical claim that would end the processes of patologization of transsexuality, and the right for underage children and teenagers to receive health treatments for their transition. According to these TERFs, the self-determination of gender would entail the end of every right earned by the women’s movement, as “men” “dressed up” would be able to enter every single safe space for women. Providing rights for young kids is highly heterosexist, as according to them all gender non-conforming children would be obliged to undergo a gender transition. Furthermore, they contend that children and teenagers should not transition, since most of them are just confused homosexuals. These are the claims of a big part of the centre-left political spectrum of Spain, women in policy, universities and in institutions that are trying to pave the way for a cultural backlash in terms of trans rights. This thesis originates from a political, activist and personal urge to contextualize, understand and confront some of the arguments these women are using in a new phenomenon, a cultural war within Spanish feminism.

¹I use the term trans in a very open sense, as the draft of the trans bill that I analyse in the research does. I understand it as an encompassing term for transgender, transexual and any gender nonconforming identities.

2. Problem, Research Question and Arguments.

In 2019, the *Proposición de ley para la igualdad real y efectiva de las personas trans*, meaning, the Law proposal for the real and effective equality of trans people, which will be referred as the trans bill draft in the text, was drawn up by the current left-wing government. Nevertheless, a big political fight had been fought in order to achieve it between the PSOE and the UP. The current government of Spain is formed by the Partido Socialista de España (PSOE, the “classical” left-social democrat party) and Unidas Podemos (the new more left wing party). The first party is the classical centre-left European Socialist party, while the second one is a more leftist and new party that was born as a result of the mobilizations of 2011. After the last general elections in 2019, they formed a government together, and after long negotiations on the distribution of the different ministries, Unidas Podemos got the Ministry of Equality. The feminists of the PSOE were against the notion of the “self-determination of gender”, a claim that the trans collective has had for the last decades in order to escape from clinical and pathological processes of sex identification. The notion of self-determination is seen by the TERFs as a danger for the society, as they claim that men would use the easiness of the sex change in the civil register to avoid prison in gender-related crimes. According to the PSOE, this point would have terrible consequences for women and for the approach to combat of gender-based violence. According to the vice president of Spain, Carmen Calvo, from the PSOE, the current law does not provide the necessary legal certainty². Behind this statement there is the notion that if the change of legal sex/gender is easy, men with legal problems will indiscriminately change their legal sex/gender. In this context, my research question are the following:

- how are the main arguments of the TERFS against the new trans bill regarding the sex/gender system constructed?
- Which resources do they use to show their opposition to the trans bill draft?
- which ideas of sex/gender do they crystalize?

² The legal certainty is defined as the safety and determinacy that provides the rule of law: “A legal system that provides legal certainty guides those subject to the law. It permits those subject to the law to plan their lives with less uncertainty It protects those subject to the law from arbitrary use of state power.” (Maxeiner, 2008, p. 29) In the continental conception of law, the legal certainty, as well as the in addition to justice and policy, is “one of the only three fundamental pillars of the very idea of law” (Maxeiner, 2008, p. 31). For Ms. Calvo, the notion of self-determination of gender will be an obstacle for legal certainty, an “ a democracy should guarantee the legal certainty [seguridad jurídica] (Europa Press, 28 December 2020).

The aim of this research is to critically analyse the rationale behind the arguments of Spanish trans-exclusionary radical feminists in the light of the new trans bill. The general aim of this thesis is to shed some light into this “sociological phenomenon” called the “TERF wars” (Pearce, Erikainen, Vincent, 2020) in Spain.

3. Background

The writing of the so-called “Trans Law” under the current coalition left-wing government has been a highly contested process and it is far from finished. It is currently under discussion, as on the 2st April 2022 the General Council of the Judiciary made public a report where they expressed their concerns on the “legal insecurities” of the draft Unidas Podemos had in its political program a change in the current law from 2007 in order to depatologize transsexuality (Guindal, 2022). Spain would be the 7th country of the European Union to do so, after Denmark, Malta, Luxembourg, Portugal, Belgium and Ireland. Furthermore, it would be aligned with the Yogyakarta principles regarding the Human Rights of the LGBTI+ community and it would follow the recommendations of the WHO and the UN (Human Rights Watch, 2019; UNFE, 2017)

3.1. Previous legislation in Spain and its regions concerning Trans rights

The current law in place, 3/2007 of 15th March is the current legal framework for trans people who wish to change their legal gender. It provides the possibility to change the name and the gender in the national identity³ regardless of surgical interventions. Nevertheless, it

³ The Law of 03/2007 states the need of two years of transition process and the lack of personality disorders. These facts must be confirmed by a valid medical or clinical psychological report. (Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres): 1. La rectificación registral de la mención del sexo se acordará una vez que la persona solicitante acredite: a) Que le ha sido diagnosticada disforia de género. La acreditación del cumplimiento de este requisito se realizará mediante informe de médico o psicólogo clínico, colegiados en España o cuyos títulos hayan sido reconocidos u homologados en España, y que deberá hacer referencia: 1. A la existencia de disonancia entre el sexo morfológico o género fisiológico inicialmente inscrito y la identidad de género sentida por el solicitante o sexo psicosocial, así como la estabilidad y persistencia de esta disonancia. 2. A la ausencia de trastornos de personalidad que pudieran influir, de forma determinante, en la existencia de la disonancia reseñada en el punto anterior. b) Que ha sido tratada médicamente durante al menos

does require a psychiatric diagnosis of gender dysphoria and a medical treatment “to be adjusted to their perceived gender” of at least two years. This law does not allow underage teenagers to change their name and gender.

Spain is a highly decentralized country, where each region (“Comunidad Autónoma”) has its own jurisdiction in numerous matters. In fact, after 2007 and before the draft of 2021, different regions have approved very progressive laws regarding trans rights. Each “Comunidad Autónoma” has the right to pass laws in very different areas; except for the change of national documents, the regions have the legal capacity to set their own changes in domains such as healthcare, education and so on. The regional laws have gone quite unnoticed, yet they put into place different measures that are present in the national bill draft; despite having provided further rights to trans people, no complaints whatsoever have arisen.

For example, the Catalan law 11/2014 states for “transgender and intersexual people” that “they should be able to benefit from the law without proving a gender dysphoria or medical treatment”⁴. The law of Murcia, in the same vein, states that trans people will not be required to pass any kind of medical, surgical, psychological or hormonal test in order to have their right to change their name and gender guaranteed⁵. The Basque Country, Balearic Islands, Andalucía and Madrid have similar articles in their regional laws.

dos años para acomodar sus características físicas a las correspondientes al sexo reclamado. La acreditación del cumplimiento de este requisito se efectuará mediante informe del médico colegiado bajo cuya dirección se haya realizado el tratamiento o, en su defecto, mediante informe de un médico forense especializado. 2. No será necesario para la concesión de la rectificación registral de la mención del sexo de una persona que el tratamiento médico haya incluido cirugía de reasignación sexual. Los tratamientos médicos a los que se refiere la letra b) del apartado anterior no serán un requisito necesario para la concesión de la rectificación registral cuando concurren razones de salud o edad que imposibiliten su seguimiento y se aporte certificación médica de tal circunstancia.

⁴ “las personas transgénero y las personas intersexuales deben poder acogerse a lo establecido por la presente ley sin necesidad de un diagnóstico de disforia de género ni tratamiento médico”. Ley 11/2014, de 10 de octubre.

⁵ This law clearly states that nobody will be asked to undergo any kind of hormonal or medical treatment in order to be granted to their right to be treated according to their gender identity. Ley 8/2016, de 27 de mayo, de igualdad social de lesbianas, gais, bisexuales, transexuales, transgénero e intersexuales, y de políticas públicas contra la discriminación por orientación sexual e identidad de género en la Comunidad Autónoma de la Región de Murcia Artículo 8. Reconocimiento del derecho a la identidad de género libremente manifestada. 2. Ninguna persona será objeto de requerimiento alguno de pruebas de realización total o parcial de cirugías genitales, tratamientos hormonales o pruebas psiquiátricas, psicológicas o tratamientos médicos para hacer uso de su derecho a la identidad de género o acceder a los servicios o a la documentación acorde a su identidad de género sentida en las administraciones públicas o entidades privadas de la Región de Murcia.

Another relevant topic in the discussion, the “underaged trans children”, also have a wider recognition in regional laws passed after 2007. The law of the region of Navarra clearly states that transexuality is not a disease and should not be treated as such by health professionals⁶ and that transgender or transexual teens have the right to receive public treatment⁷.

3.2. 2021: The trans bill

The trans bill that was drafted in 2019 with the winning of the election of PSOE and the coalition between PSOE and Unidas Podemos. It was the development of an initiative already presented by Unidas Podemos in 2017; along with different LGBT and trans collectives, they wrote the first draft of the bill. This new bill deepens some rights granted by the law of 2007 and allows anyone older than 16 years to change their name and “sex (sexo)” in the civil register only requiring a statement of the person. The teens over 12 and under 16 can also change this data with parental consent. Furthermore, the bill recognises the existence of non-binary people. The introduction of the trans bill states that

The moment has arrived to consider trans people as active subjects in the formulation of policies and normative regulation that do not pathologize their bodies or their identities through medical requirements and interventions. The time has arrived to

⁶ The law states that the healthcare system will not consider the transsexuality as a problem disorder or anomaly, but as a part of the human diversity Ley Foral 8/2017, de 19 de junio, para la igualdad social de las personas LGTBI+. 3. La atención sanitaria se basará en una visión despatologizadora, es decir, en la consideración de que la vivencia transexual y transgénero no es una enfermedad, un trastorno o una anomalía sino que forma parte de la diversidad humana. Los profesionales de la salud realizarán el acompañamiento que la persona transexual o transgénero necesite en el desarrollo de su identidad sentidas

⁷ Underaged transgender and transexual people are guaranteed the right to receive treatment at the beginning of puberty. diversity Ley Foral 8/2017, de 19 de junio, para la igualdad social de las personas LGTBI+ 8. Los menores transexuales o transgénero, además, tendrán derecho a: a) Recibir tratamiento para el bloqueo hormonal al inicio de la pubertad, situación que se determinará utilizando datos objetivos como la medición del nivel de estradiol y testosterona, la velocidad de crecimiento o la madurez de los ovarios y gónadas, para evitar el desarrollo de caracteres sexuales secundarios no deseados. b) Tratamiento hormonal cruzado en el momento adecuado de la pubertad para favorecer que su desarrollo corporal se corresponda con el de las personas de su edad, a fin de propiciar el desarrollo de caracteres sexuales secundarios deseados. Los menores transexuales o transgénero tendrán derecho a estos tratamientos previo consentimiento, según se describe en el artículo 21.

socially recognize the multiple sex/gender identities and to implement measures in order to obtain the authentic social equality for trans people⁸.

It also foregrounds as a guideline that the trans community is a multiple one and that there are many different ways of feeling and becoming trans, which is defined by the law simply as the “person whose gender identity does not correspond with the sex assigned by birth” (p.11):

The law wants to highlight and provide an answer to the complex situations that trans people experience; trans people are not an homogeneous collective, not even a univocal way of feeling and being. [The law] recognizes the existence of multiple paths and ways of building, expressing and living the trans identities, and in general, the multiple external expression of the gender identity⁹.

According to the article 5, everyone is free to the recognition of their freely manifested gender identity, without the proof of any medical evidence, they have the right to:

g) To obtain the legal correction of the mention regarding the sex according to what this law establishes. h) To urge and obtain the name correction and the sex correction in all the registers and administrative documents once the sex correction is done¹⁰.

The law contemplates four possibilities in the civil register: woman, man, non-binary or the option of asking to remove any sex category. Besides the self-determination of trans people, the law provides more rights in domains such as public and free healthcare for transitioning, the recognition of reproductive rights of trans people (such as in vitro fertilisation), the recognition of the gender identity within the school and educative facilities, strategies for the inclusions within the regular work force with a specific quota, the

⁸ My translation, original: “(...)ha llegado el momento de considerar a las personas trans como sujetos activos en la formulación de políticas y disposiciones normativas que no patologicen sus cuerpos ni sus identidades a través de requerimientos e intervenciones médicas, de que sean reconocidas socialmente las múltiples identidades sexo-genéricas y de que se implementen medidas para lograr la auténtica igualdad social de las personas trans”. (p. 6)

⁹ My translation, original: “La Ley pretende visibilizar y dar a respuesta a las complejas situaciones que experimentan las personas trans, quienes no conforman un colectivo homogéneo, ni siquiera una unívoca forma de sentir y ser. Reconoce la existencia de múltiples itinerarios y formas de construir, expresar y vivir las identidades trans, y en definitiva las múltiples exteriorizaciones de la identidad de género”. (p.6).

¹⁰ g) A obtener la rectificación registral de su mención relativa al sexo de acuerdo con lo establecido en esta Ley. h) A instar y obtener la rectificación del nombre y de la mención relativa al sexo en todos los registros y documentos administrativos una vez tramitada la rectificación registral de la mención relativa al sexo (p.11).

adaptation of the hypothetical imprisonment of the trans person according to their gender identity, and the prohibition of the conversion therapies.

At the time of writing these lines, the draft of the bill is still in discussion within different government authorities. The Consejo General del Poder Judicial (which has to publish reports on some specific kinds of laws) published the report on the law with three months of delay in their reply. In their writing they ask for the endorsement of a judge in the cases of legal sex of an underage person, they are against the prohibition of conversion therapies and underlines the hypothetical scenarios “legal uncertainty” that the application of the law would create. This authority is ruled by PSOE and they have expressed in the report some of the fears that Trans Exclusionary Radical Feminists had already stressed; despite the lack of consensus in the government, the answer of the Minister of Equality, Irene Montero, has been loud and clear: they will fight for the approval of the law the way it was written in the draft (Guindal, 2022). While the future of the law proposal is unknown, it is certain that the TERFs have increasingly acquired notoriety, that is why this research has decided to focus on their specific opposition to the trans bill draft.

4. Evaluation of sources and methods.

In order to answer my research question, to dissect some of the main arguments of the Trans Exclusionary Feminists and to analyse which kind of sex/gender system they crystallize through their political claims, I have chosen to analyse selected material from two of the most followed platforms in Twitter. This “feminist war” is a very heated debate where the Trans Exclusionary Feminists have discursively constructed the “Other” making up new words (“queer generism” “queer neolanguage”, “transgenerism”) in order to delegitimize and infantilize trans and queer* people, trying to depict them as dangerous and ignorant at the same time. The TERF movement requires my attention because it is not a marginal one but the main standpoint of the biggest left political party in Spain (PSOE). These chosen platforms are: “Contra el borrado de las mujeres” (@ContraBorrado, Against the erasure of women), which has around 25,000 followers on Twitter, the most popular page of the country (with some branches in Mexico and other Spanish-speaking countries) and “Movimiento Feminista” (@ConfluenciaMF in Twitter). The latter is a political party, a split from the former Spanish Communist Party then renamed as Izquierda Unida. This account has around 8,500 followers. I have selected two accounts that do not belong to specific people for privacy reasons, and I

have decided to analyse these two specific ones since they are the two Spanish platforms that had more followers relating to this topic. The study at first was meant to analyse the Twitter interaction and engagement of these accounts around the notion of “Proyecto de Ley Trans” but after a long reflection and work with the atlas.ti software, I thought that this approach had some serious problems. First, this is a “war”, therefore, the amount of tweets is huge. They tweet and retweet on a daily basis so the atlas.ti software was running short for the amount of data that there was to analyse. I had to move to a big data analysis software, and I encountered a knowledge limitation here. Secondly, the validity of the tweets and their authorship: Who is in charge of the Twitter accounts? Is it always the same person? Do they always have the endorsement of the whole community behind the page? Finally, a lot of tweets were links to their pages to their website and to other people, so it was complicated to pick out a selection.

At that point, I decided to move instead towards an analysis of the texts that were in their websites and that were dealing specifically with the Trans bill. This approach was more substantial and more valuable from a theoretical point of view. The length of the texts and the specific context of production of them (a “reasoned answer” against the trans bill draft) allowed me to delve into an analysis of the theoretical framework that they build up to confront the amplification of trans rights. The length and the depth of the texts (as opposed to a tweet) provides me with the suitable material to analyse their conceptualisation of the sex/gender system and how this formulation is linked to their political claims. Furthermore, in terms of authorship, both texts are signed by the collective, so I can argue that they correspond to the views of these communities. The titles of these two documents I analyse are:

(a) “Alegaciones al anteproyecto de ley para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGBTI”, manifiesto signed by the platform “Contra el borrado de las mujeres” on the 6th August 2021

(b) “Argumentario feminista en defensa de los derechos de las mujeres, de la infancia, de las personas homosexuales y de la libertad de expresión: Contra la autodeterminación de género”, manifiesto signed by the party “Movimiento Feminista” on the 10th November 2010.

The first text is a text entitled “allegations to the law- pre project” and the second is an “argumentary (ensemble of arguments) against the self-determination of gender” (which is a direct reference to one of the main points of the trans bill draft). I consider that both texts are manifestos in a wide sense of the term, as they are public declaration of views, reasons that

answer directly to the trans bill draft with substantial theory and arguments against it; these texts have a specific political aim, the banning of the new law of trans rights which has not yet passed.

As for the historical background, I have decided to use some basic works regarding trans issues from the Global North, since as I have checked, the Spanish TERF movement is using second wave feminist theory, media and literature from Canada, US and UK. Firstly, I have decided to move towards literature that critically deals with the TERF movement (section 6.1.), and secondly, I will summarize what has been written in Spain on the topic up to this moment (section 6.2.)

In terms of methodology, I am aware that I am analysing “feminism” (however disagreeable their political views are) with feminist theory, namely with queer and new materialist approaches. In the words of Iris van der Tuin, “[I] believe its object of study is at the same time its analytical tool. Object and tool are simply feminism in its many contradictory and ever-emerging manifestations. (2013, p.3). Therefore, I use a wide range of feminist theory in order to put into question some alleged “feminist” argumentations. I contend that I do that from a critical discourse practice, analysing language, in this case, the manifestos, as texts, as “discursive practices that involve production of consumption” and as “social practices” (Jorgensen and Phillips, 2012, p. 63). In the case of these two manifestos, these texts are relevant to see how they produce/reproduce certain statements as “truthful” or “false” when it comes to notions such as gender, sex or identity.

5. Research ethics

I have used public information available on websites and I am avoiding any direct reference to any specific person. As a feminist, I understand that the position from which I am writing this thesis is not neutral. As the feminist epistemologies have shown (I will further developed this in the methodology part), there is no objective or neutral standpoint; the political categories I identify with, along with my ideology, inform my work. Therefore, I find relevant to state that I am a white Spanish cisgender queer/lesbian woman and that I hold a strong opinion in this “culture war” that I am discussing; I find that the Trans Exclusionary Radical Feminist (TERF) are a real threat to the legitimacy of trans people (and of gender non-conforming people in general), since they are quite numerous and they advocate from power

positions. I also find that using the strand of thought “Radical Feminism” as a monolithic or using lesbophobia as an argument is personally interpellating me, since I consider that this is a very biased and captious reading of heterogeneous movement: authors such as Andrea Dworkin or Monique Wittig did not advocate for an essentialisation of “sex”; using lesbianism as a way of excluding trans women is a way of weaponize the lesbian fight and a reduction of the sexual orientation to genitalia. Furthermore, the fact that TERFs decide to use some specific feminist theories that were formulated in the sixties and seventies and that have been widely questioned is ideologically loaded and not so commonsensical. Finally, I want to stress that this is mainly a white confrontation against transexual and transgender people. TERFs consider manhood and womanhood as univocal and complementary notions, being men strong, powerful and intelligent and natural and, as an opposition, women embody the weakness, the lack of power and the artificiality. As different Black scholars have stated, these notions apply only for whiteness. Sojourner Truth, who worked since she was a kid, asked the public whether she was a woman, as womanhood has an implicit racialized norm. Anti-transgender women are mostly white and their emphasis of sex, biology and the body as “natural” and “objective” is quite questionable from a critical race approach, as the “natural” has historically been a tool of the power with a strong colonial and racist bias. I think that the white privilege and white fragility are also interplaying in the TERF discourse, along with the cissexual supremacy.

5. Methodology

In order to analyse the two texts that I have decided to rely on the Critical Discourse Analysis (CDA) from the perspective of Fairclough. The objective of CDA is to provide information on the “linguistic discursive dimension of social and cultural phenomena and processes of change in late modernity.” (Jorgensen & Phillips, 2012, p. 61) According to Fairclough, “discursive practices – through which texts are produced (created) and consumed (received and interpreted) – are viewed as an important form of social practice which contributes to the constitution of the social world including social identities and social relations.” Discourse analysis puts the content in context, analyses paragraphs and whole documents as objects of study and searches for the implications of the text in a wider social context (Descombes, 2010, p. 279) Adding the “critical” to the “discourse analysis”, proposes

a “political shift” of the research, as “discursive practices contribute to the creation and reproduction of unequal power relations between social groups” (Jorgensen & Phillips, 2012, p. 63). According to Fairclough, “discourse contributes to the construction of social identities, social relations; and systems of knowledge and meaning” (Jorgensen & Phillips, 2012, p. 67). It is relevant to foreground the three levels or dimensions of every act of language: they are texts, in this case two written short texts published in two webpages and linked via all the social media of the platforms that have authored them, Movimiento Feminista and Contra el borrado de las Mujeres. On a second level, they are discursive practices that involve the production and consumption. On this level the interdiscursivity is scrutinized; this notion refers to how the “different discourses and genres are articulated together in a communicative event” (Jorgensen & Phillips, 2012, p. 73). The two manifestos’ use of language is political, with elements from the Spanish jurisdiction; the discourse practice involves the people behind it and the online consumption and “retweet” of the texts. On a third level, the CDA states that a text is a social practice. In this specific view, the boundaries of a community – cissexual women who refuse the changes of the trans law - are put in place and simultaneously the “Otherness”, the ampliation of trans rights, which entails danger, risk and a backlash for women’s’ rights is constructed. For Fairclough, discourse is a product and at the same time produces an ideologically biased reality. In this case, we can see how the manifestos, which are condensed ways of analysing the ideology of a segment of population, are a way of illustrating the ideas of what that specific community, the TERF “Spanish Feminist” movement, thinks, and at the same time, the way this community is trying to appeal a wider public and have an impact on a future national law. As stated before, CDA does not pretend to be neutral or objective when analysing the reality; “CDA does not understand itself as politically neutral, but as a critical approach which is politically committed to social change” (Jorgensen & Phillips, 2012, p. 64). This specific type of analysis is supposed to align with the more oppressed in order to build up an explanatory critique. Namely, I contend that this analysis is done from a queer feminist lens. In fact, adding the term “feminist” to the CDA highlights the sex/gender power system within which we are all embedded and that we reproduce/contest; gender, power, identity and discourse are closely intertwined and so a Feminist Critical Discourse Analysis is an appropriate tool to analyse the discourse of the Spanish Trans Exclusionary Radical Feminists. The CDA is applicable here because they are producing intensively different discourses, via their visibility in social media and other “activisms” to frame the trans community as a danger for feminism, for women and for the freedom of speech in general; nevertheless, they are

(mostly) white, scholars and cisgender, so it can be said that they produce trans-exclusionary discourse from a privilege perspective.

To sum up, I will conduct a Feminist Critical Discourse Analysis, focusing mainly on a textual level. I will summarise the content, then I will analyse the *ethos* that the texts try to set up using different adjectives and adverbs that set a specific tone. Afterwards, I will draw some word clouds to illustrate the repetition of the concepts that can be found in both texts. Scrutinizing the recurrence, I found that it is fruitful to focus the analysis on two core concepts that repeat themselves: *sex* and *gender*. After seeing how these terms are portrayed in the wording reiteration, I will move on to the second level of the CDA, the discourse practice analysis, to focus on the elements of the process of production and consumption of the manifestos. Finally, the texts will be framed within the bigger social practice to which they belong in order to see which power relations they produce/reproduce.

6. Literature Revision

6.1. Same old, same old: Cultural wars in perspective

The current Spanish “TERF movement” is using old fashioned arguments against the trans community, as well as data from English-speaking countries in order to build up their argumentations. As the trans activist Julia Serano states, “the fact that transsexual women are often singled out to bear the brunt of our culture’s fascination with and demonization of transgenderism is a subject that has been ripe for feminist critique for about half a century now.” (2007, p. 7). In 1979, the book *The Transsexual Empire: The Making of the She-Male*, written by Janice Raymond, was published. This book deployed for the first time some of the fears that can be found within the thought of the TERF collective, hence its relevance, since its core argumentations are still used in order to discredit trans people, specially trans women. According to Raymond, transsexualism reinforces traditional gender stereotypes, mainly femininity, which feminist would be trying to debunk. As traditionally masculinity has been considered as strong, tough and natural, womanhood (as nuanced before, white womanhood) has been considered as artificial, weak and constructed. Therefore, Raymond would point out womanhood as a stance bound to disappear, hence, trans women, by “choosing” to “be” or to “become” women, would be reinforcing a stereotype that needs to be ended in order to

dismantle the patriarchy. Men, are, then women that choose to act like the woman imagined by the patriarchal myth. In this book, “gender identity” as an artificial construct is already considered a backlash for social change, as it is a scapegoat to justify the transformation into a “woman” constructed following “the male gaze” and “patriarchal myths”: "All transsexuals rape women's bodies by reducing the real female form to an artifact, appropriating this body for themselves. Transsexuals merely cut off the most obvious means of invading women, so that they seem non-invasive."(Serano, 2007, p.104). As Serano points out, this book illustrates the “ the ways in which traditional sexism shapes popular assumptions about transsexual women and why so many people in our society feel threatened by the existence of men who choose to become women.” (2007, p. 8). Along with the third wave feminism, the queer movement and the claims from different marginalized people, the trans movement has gained visibility in different countries of North America and Europe during the past thirty years . In the UK, for example, “the new millennium instigated unprecedented awareness of trans people in social and cultural spheres (...) Cultural fascination with the lives and, above all, the bodies of trans people has continued unabated (...) trans rights were put on the legal and political agenda.” (Hines, 2020, p. 32). Nevertheless, this agenda has been widely contested by TERFs or antitransgender women that have adopted a vision of the sex/gender system that disregards all the feminist epistemology, politics and science that have already debunked the essentialist and binary views on sex, the body and the nature. The trans-exclusionary movement has strongly emerged in the last six-seven years: from the anti-trans bathroom bills in different states in the US in 2016 to the ripe confrontation to the change of the GRA and the Equality Act 2010 in the UK or JR Rowling’s harmful transphobic affirmations, it seems to be a peak of an specific antitransgender climate in some countries of the Global North (Pearce, Erikainen, Vincent, 2020, p.5). They enjoy quite a lot of media coverage, featuring in newspapers such as the Observer, The Guardian or The Times and they are very active and fierce on social media, mainly on Twitter. The reasons for their strong opposition to affirmative rights for trans people are the alleged “safety of women” (meaning cisgender women that would have to share the space with trans women) and the dangers that the “self-determination” of gender would entail, as it would be an open window for men to occupy spaces that are currently only for women. All in all, the subtext is one: trans women are truly men that put at risk cisgender women and their fights and that perpetuate the binary system by “mimicking womanhood”. As it can be stated, nothing seems to have changed in the last 40 years in terms of trans-exclusionary arguments.

6.2. Spanish literature revision

Spanish TERFs are, in general, well-educated cisgender women that have extensively read feminist theory; they are in touch with scholars and researchers that align with their optics from the English-speaking academia. Furthermore, as their English and American counterparts do, they use intensively social media to visible their opinions. Likewise, they publish in relevant and prestigious newspapers of the country, such as *El Público*, *El País* or *El Mundo*. The reasons they have against the trans bill are the same ones that have been specified in the previous section in the US and UK context.

The focus of this work is the specific debate on the inclusion of trans women within the feminist movement, which has been going on for about four years in the Spanish context. The discussion regarding the trans law is quite recent. Most of the debate has taken place in the digital arena, via Facebook posts, blog posts and other online pieces. Also, the trans inclusion in the feminist movement and or the LGBTI movement has been quite recent in Spain. According to Lola Robles, it was not until the Jornadas Feministas de Granada (a national gathering that takes place since the end of the dictatorship) of the year 2009 that trans women participated actively in a big feminist forum. The features and the claims of the trans movement in the past two decades has been extensively analysed by Spanish queer and transfeminist and it exceeds the aim of this research so its characteristics will not be historized and analysed here. Recent academic work has been devoted to the analysis of the appearance of the TERF movement in Spain:

Firstly, Lola Robles' *Identidades Confinadas, la construcción de un conflicto entre feminismo, activismo trans y teoría queer*, (2021) provides a general context of the conflict and of its actors. She places herself as a middle-age lesbian with “trans life experiences” and she brings into discussion posts of well know trans-exclusionary “feminists”. Her hypothesis is that the COVID-19 has increased and has deepened this mediatic persecution to trans activist and to their allies due to the digitalization of social life during lockdown. The whole book is a defence of trans people, trans women in particular and quest for a better understanding of the queer theory:

Is queer theory neoliberal? That is not true. Queer theory talks about diversity, multiplicity, individuality, spectrums, desires, feelings. The diversity is not a trap for any fight. What sometimes happens is that the most privileged within these lights (since there are hierarchies within the fights) try to impose their priorities. Feminism, as some of very men said, can divide and distract from the class struggle (...). This monstrous demonization of the queer theory and trans activism is somehow hyperbolic; they are portrayed not as the Trojan Horse, but as the antichrist of feminism. Maybe it would be interesting to read queer theorists and see what they really say, instead of reading them through “biased interpreters”. Queerness does not force people to stop being a man or a woman, the same way the LGBTQIA does not force people to stop being heterosexual, nor feminist does not force people to stop becoming a mother.¹¹

According to Robles, saying “you are not really a feminist” is used by both parts as a slur. Nevertheless, she considers that every part implied in this debate can be label as feminist, despite being a “reactionary” feminist (2021, p.120), which I find quite problematic. Actually, while a lot of bibliography does consider the TERFs are feminist, I find myself quite close to Sara Ahmed’s view on the topic. For her, being anti-trans is being antifeminist (Ahmed, 2016b). Returning to the quote, the author foregrounds the argument used by a lot of TERFs that the Trans fights are going to separate and dissolve the “real struggle”, as it is the same dynamic that often the left parties or the social movements have told to feminists, that their pleas were going to divide and distract them from the “real fight”. In that sense, the book of the young Elizabeth Duval, *Después de lo trans. Sexo y género entre la izquierda y lo identitario* (2021) is a philosophical statement of a trans woman inviting to a dialogue between different

¹¹ My translation, original: “¿Es neoliberal la teoría queer? No es cierto. La teoría queer habla de diversidad, multiplicidad, individualidades, espectros, deseos, sentires. La diversidad no es una trampa para ninguna lucha. Lo que ocurre, en ocasiones, es que los más privilegiados de esas luchas, pues también hay jerarquías dentro de ellas, intentan imponer sus prioridades. El feminismo, dijeron algunos o bastantes varones, puede dividir y distraer de la lucha de clases.(...) hay algo hiperbólico en esa monstruosa demonización de la teoría queer y del activismo trans, como si fueran, no ya un caballo de Troya, sino el anticristo del feminismo. Quizás una interesante posibilidad sería leer a las y los pensadoras queer y ver qué dicen realmente, no a través de intérpretes interesadas. Lo queer no debe obligar dejar de ser varón o mujer, de la misma manera que el movimiento LGBTQIA no puede obligar a dejar de ser heterosexual, ni el feminismo a no ser madre”. (Robles, 2021, p. 121)

leftist and the trans reality. According to her, the PSOE as a political party (there are specific individuals in the PSOE that support trans rights) has no real interest in working towards the trans rights, since for them the LGBT rights have been focused on gay and lesbian rights, mainly in same sex marriage. One of the main theses of the work is the questioning of some post-identitarian positions, as the gender, she states, is a language that is constantly rewritten, even when it is contested.

In March 2022, the queer activist Gracia Trujillo published the book *El feminismo queer es para todo el mundo*, where she explains in a very approachable way the misunderstandings regarding some basic concepts. She makes approachable the queer theory and its journey in Spain. Regarding the topic of this thesis, she states that the TERF movement is leading a discredit campaign of terms such as “non-binary”, “queer”, “transgender”, creating new ones that contain a negative sense. According to her,

TERFS are carrying out a campaign in which they repeat the arguments that were used in the late seventies in the US, sentences such as “erase the woman”, “trans stalking in women’s’ restroom, sentences from Janice Raymond. (...) This has never existed, it is a copy and paste of very old accusations that do not make sense in the current Spanish context¹²

This campaign of discredit is trying to present feminism and queer theory as antagonistic terms, and tagging the latter as a “sexist” and “misogynist” movement (Trujillo 2022, 90). All these works analyse how the TERF movement is constructing a discursive “Otherness”, where queer theory and trans people are depicted as guardians of the status quo of the patriarchy. In that vein, a basic explanation of some core concepts can be useful in order to make clear how queer and trans/feminist understand these notions, see Section 7.

As it can be seen, the topic on the ampliation of trans rights on a national legal level has attracted the attention not only of the opponents to the bill but of the queer and trans theorist of the country. It is within this quite recent contestation to the TERF discourses that my research is situated; trying to analyse specific material issued by this collective, I try to shed some light on this relatively new sociological phenomena, analysing specific material

¹²My translation, original: “las TERF están llevando a cabo una campaña en la que repiten argumentos de EEUU de finales de los setenta, como de Janice Raymond, frases como “borrar a la mujer”, “trans acechando en los baños de mujeres” (...) Eso no ha existido nunca, me parece un corta pega de acusaciones muy antiguas de aquella época, que no tienen ningún sentido en el contexto español actual” (2022, p. 90)

from Spanish TERF collectives to see their way of arguing in order to understand their ways of conceptualizing concepts revolving around the sex/gender system, since they use in a specific way some notions. Normally, the use of the notions is overlooked since it is known that they mobilize the meanings in a very biased manner that has nothing to do with the trans movement. Nevertheless, due to the increasing relevance of the TERF movement and the fact that some of them are actually important politicians that might play a role in the process of passing or refuting the law, I have considered that it was fruitful to delve into the specific use of arguments and concepts in the opposition they deploy in the selected manifestos.

7. Theory: a glossary of terms

In this following section, I lean on different feminist and queer theorists to provide some definitions of core concepts that are necessary to unpack in order to fully grasp the historical and theoretical context of my research. Instead of a classical literature review, I found more fruitful a series of definitions of notions that are currently at stake since they are very differently seen by TERFs (as I will approach in the discourse analysis) and by the queer and trans community. As I have stated in the research ethics, this dissertation is written from the optics of my own positionality; therefore, I provide here queer/feminist notions in order to cross examine the TERFs conceptualization of them.

Sex/Gender system: According to Gayle Rubin, who is considered to be the one who coined the expression, the sex/gender system is "the set of arrangements by which a society transforms biological sexuality into products of human activity, and in which these transformed sexual needs are satisfied" (1975, p. 165). The sex/gender systems are cultural conceptualizations and representations of the sexual dysmorphia and cultural differences. "Sex" is usually considered as the bodily, material and genital features, which "gender" is usually linked with the cultural roles assigned to the "man" or "woman". Nevertheless, considering that in the sex/gender divide, the sex is a pre-linguistic and given data has been highly contested since different scientific data have proven that sex is not binary; while sexual difference exists, according to Fausto-Sterling,

1. This difference is not significant

2. because the differences within the same sex can be as relevant or more relevant than the differences between the “two sexes”

3. The biology of the sex is more plastic than the gender politics. (Duval, 2021, p. 114)

Furthermore, considering the sex as the body while the gender is the cultural phenomena is a complicated stance as due to the technologies of gender (de Laetis) the body is changed constantly to get adapted or to contest gender norms. Following Judith Butler in *Gender Trouble*, sex is situated in the field of the prediscursive as a result of the social apparatus of cultural norm of gender; if the unchanging feature of sex is contested, we may find that this construction called “sex” is as culturally constructed as gender, or that, in fact, we always meant “gender” when we talked about “sex” (Butler, 1990)

Trans. As stated in the first footnote, I use the concept trans as a an “open umbrella term that encompasses a wide range of trans, nonbinary, genderqueer, and gender nonconforming identities and experiences” (Karhu, 2022, p. 295). Trans as such provides an open space for those “whose gender and sexuality is ‘unfixed’” and also those “ who understand themselves as requiring – and wanting – a clear gender category within a binary frame” (Ahmed, 2016, p. 490)

Second wave feminism While first-wave feminism was a political movement focused on the participation of women in the political life (the discrimination *de iure*) second wave feminism in Europe and the US is considered the period of feminism starting from the early 60st until the late 80st that conceptualized the discrimination *de facto*: the oppression of domestic space, the symbolic discrimination and the “compulsory motherhood” was covered in the classical work *The mystique of femininity* written by Betty Friedan (1963) The term *gender* started to be used by some psychologists, sexologists and doctors in the fifties in the US to establish a difference between the “sex assigned at birth” and the “social sex” of the cases of intersex, transsexuals and homosexuals that expressed their disconformity with their sexual identity or sexual orientation. Both Kate Millet’s *Sexual Politics* (1969) and Shulamia Firestone’s *The Dialects of Sex* (1970) are considered relevant books that use the notion of gender to underline the political relationship of the sexes.

Radical Feminism Related to the second wave feminism, radical feminism can be considered a strand within the period; as opposed to liberal feminism or even Marxist feminism, radical feminist thought entails a specific critical analysis of the system as a whole. Instead of proposing specific reforms, radical feminist thought was the first one considered that the underlying problem the patriarchy, hence, it was necessary to dismantle the system in order to pursue social changes. Radical feminists, such as Kate Millet, also revealed the intertwinement between heteronormativity and patriarchy.

Third wave feminism is a multiple strand of thought and activism starting in the 90s that has as common features the questioning of the subject of feminism, the examinations of binarisms (Culture vs Nature, Sex vs. Gender, Heterosexuality versus Homosexuality) and also the questioning of the moral examinations of “good” or “bad” issues of second wave feminism. Within third wave feminism we can find queer theory, considered as a theory that questions the sex, gender and sexuality categories as essentialist, intersectionality or feminist epistemology, among other critical approaches.

TERF is an acronym for Trans-Exclusionary Radical Feminist. The term is supposed to be coined by the writer Viv Smythe in 2008 in a blog, despite the existence of TERFs before that year. Women that are called TERF due to their transphobic views on the exclusion of trans people, mainly trans women, from the feminist movement, consider that the word is a slur and that they are just “gender-critical feminist”.

The specific use of the terms is very relevant in the construction of the narrative of opposition to the trans rights by the TERF movement. They refuse or challenge some of the definitions aforementioned and, in fact, they provide their own definitions of the concepts, hence they generate their own web of concepts, meanings and political analysis out of the notions they define in their own terms. Due to this “opportunistic” way of understanding theory and reality, they produce their own specific views on the topic that cannot find a bridge with the queer and trans community, as the departure points are totally different. The process of meaning making is essential for both the trans and queer communities that are producing concepts that fit their experiences and identities; but also, as aforementioned, for

The first political document, dated 10th November 2020, is entitled “In defence of the right of the women, the children, the homosexuals and the freedom of speech: against the self-determination of gender”. They articulate their critique against the draft of the bill arguing that they are the defence bastion of the four collectives they detail in the title; they organize their different reasons against the law in these four sections. According to them, the law will produce a binary childhood and an “excessive” medicalization of young kids, while they are positive that “most trans children and teenagers are happy homosexuals once they overcome puberty” (p.3). Women are the second collective in danger, specially due to the “invasion of sport categories, quota occupation” (p.4), “the alteration of official statistics that are segregated by sex” and “the lack of protection towards gender based violence, namely because of bathrooms, changing rooms and the creation of neutral spaces”, as well as the “invasion of men in women’s’ prison and the complicatedness in applying the Ley de Violencia de Género” (p.4). Homosexuals are in risk because the law aims at converting them in transexuals; furthermore, “lesbians are being persecuted specially by people of their opposed sex to have sexual intercours, and they are called -TERF- or -transphobic-“. As the word cloud illustrates, there is a big stress on the notions of *gender*, *sex*, *identity* and *people*. Finally, the law is allegedly a problem for the freedom of speech, since “women are being followed by the generist (sic) ideology and the queer ideology, they are being fired and agressed”

(b) The second Manifesto is “Alegaciones al anteproyecto de ley para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGBTI”, manifesto signed by the platform “Contra el borrado de las mujeres” on the 6th August 2021.



Figure 1 Conceptual cloud of the most repeated concepts of the text “Alegaciones al anteproyecto de ley para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGBTI”

This text is organized in six sections that gather six criticized concepts:

1. The first one is the notion of trans, which in the new law is not properly defined, it is left quite open and thus provides a high risk of legal uncertainty.
2. The concept of sexual identity: according to this text, “sexual identity and gender expression” replaces the notion “gender identity”¹³ in the law, which makes it an identitarian law.
3. The easiness of the legal change of the sex that produces legal uncertainty. According to this text, everyone is able to transform their sex without further procedure and therefore a great part of the population will change their sex. The despatologization is an excuse to “avoid medical healthcare” p.5, which is still necessary since gender dysphoria is a “reality”, a problem generated by the “sexist culture”, such as “anorexia” is (p.6)
4. The easiness of the legal change of the sex in the context of underaged children and youngsters : the law protects underaged kids from parents that do not understand their

¹³ This is false: In the draft of the bill I have found the notion “identidad de género” 78 times and the notion “identidad sexual” 4 times. Actually the law provides the following definition: Artículo 4. Definiciones. A los efectos de esta Ley, se entiende por: 1. Identidad de género o sexual: la vivencia interna e individual del género tal y como cada persona la siente y autodefine, pudiendo o no corresponder con el sexo asignado al nacer.

choices, as conversion therapies are forbidden. According to the writers, experiments in other countries have shown that this point is really risky, that allows that teenagers above 12 with parental consent and above 16 without the consent, as they are not able to take such big decisions.

5. A new “ley mordaza” (“gag law”): Related to the former, freedom of speech is going to be damaged as there are sanctions to those who try to “convince” or “convert” trans kids that they should not undergo transitions.
6. Misogynistic and dehumanizing language: according to this platform, there is a “queer neo language” that dissociates the notion of “woman” from the “pregnancy and menstruation” and forces everyone to use the concepts of “pregnant parent/non pregnant parent” (p.9) among others¹⁴

The texts cover a vast array of political complains, fears and topics; in order to analyse them I will deploy the three different levels of Fairclough’s Critical Discourse Analysis in the following sections.

8. 2. Discourse as a text: textual analysis

The level of the textual analysis in the Critical Discourse Analysis focuses on the linguistic elements of the text, such as wording, syntax or literary resources. In the first manifesto, the one from the Movimiento Feminista, some of these expressions are used (adjectives in cursive). Some illustrate the violation of fundamental rights, some others the catastrophic consequences that are happening “already” or are hopelessly going to happen: “vulneración *sistemática*” [*systematic* vulneration], “*devastadores* efectos” [*devastating* effects] (using the adjective in a hyperbolic way before the noun), “Implementación *velada* de un modelo pedagógico *sexista*”, [*veiled* implementation of a *sexist* pedagogic paradigm] policía del *prejudicial* dispositivo de género [*prejudicial* police of the gender dispositive], hormonación *excesivamente* temprana [an *excessively early* hormonation], procesos de medicalización *innecesarios* [unnecessary medical processes] y en su mayoría *irreversibles* [mainly *irreversible*], “cambios corporales *irreversibles*” [body changes], “*graves* problemas

¹⁴ The law asks to include the expression “pregnant people” after the word “woman”, not to substitute it. Same for non-pregnant parent.

de salud física” [*serious health problems*] , “*drástica* reducción de calidad de vida” [*drastic life quality reduction*]. Then there is another category, the use of adjectives related to trans claims in a negative way, such as “ideología *generista*” [*generist (?) ideology*] (this latter being a neologism) or “en contra del borrado *lésbico* o de la ideología *queer*” [against the lesbian erasure and against the queer ideology]. The invention of new words such as “generist ideology” is a political operation to ridicule and dismiss the queer and trans claims. They label the claims as an “ideology”, which implies falseness and invention, as opposed to their truthful use of the concepts. The use of the adjectives here mentioned denotes a hyperbolic sense of danger, and even, chronic illness and death for the trans community caused by the medical processes of transition.

The second manifesto, “Alegaciones sobre el anteproyecto de ley para la igualdad real...” . It is written in a less polemic way, while this does not mean that the arguments are not problematic. It is more focused in the idea of the legal “indeterminacy” and its problematic subjects: travesties *ocasionales*, [occasional travesties] personas de “género fluido, neutro, no binario” (used with quotation marks in the original, which is quite pejorative) [genderfluid, neutral, non-binary people]. The tone is quite formal and there are not many adjectives used to provide a general tone. Nevertheless, there is also a moment when they allude to the possible catastrophic futures that the passing of the law would entail illustrating how in “countries where this right has been granted,” “se han dado situaciones *graves*” (p.4, not specified which ones) [there have been serious situations] “sin que se eviten motivaciones *espurias* (participar en categorías deportivas femeninas, aprobar unas oposiciones con una marca física más *asequible*, acceder a cuotas de empleo *femenino*” [without the mechanism to avoid illegitimate motivations such as participating in feminine sport categories, passing a public exam with easier sport criteria, accessing feminine work quotas] (p.5). From this point onwards, the document starts underlining the “truth of the things”: “un *verdadero* borrado jurídico” [a truth juridical erasure], “el verdadero objetivo de estas leyes” [the real objective of these laws]. Regarding the trans youth and the prohibition of conversion therapies, they consider it “*excesivo y abusivo*” [excessive and abusive], “en nada *saludable y equilibrado*” [not healthy and balanced at all], “que puede derivar en daños y secuelas *crónicas*” [that can lead to chronic damages and aftereffects]. The text ends up on a very “queerphobic” note, stating that the “*queer* neo lengua” [queer neolanguage] is inventing new words to generate a “*misogynistic*

Sex is not an identity. It is an objective fact. There is no “sexual identity” but the physical experience of the sexed body itself. There is no “unspeakable sex”, sexed brain or sexed soul in contradiction with the physical body. There is a social debate around these metaphysical notions. Nevertheless, this debate should stay away from the legal system¹⁵.

According to this quote, sex is not an identity but a fact. There is not a “sexed brained or soul” and they consider that the debate is out of the realm of what is relevant in the discussion, since they are “metaphysical notions”. The text of Movimiento Feminista is much more categorical about the topic of “sex”:

(..) As these legal proposals want to modify the content of the juridical category of “sex”, so that this category harbours a subjective, changing and unverifiable reality, called equally “perceived sex”, “sexual identity”, “gender identity”¹⁶.

On the other pole, they use the following terms in a negative tone, as they are threatening this so needed stable nation of sex: “*Self-determined*” sex, *erasure* of the legal sex, *annihilation* of sex-based politics, *free* choice of legal sex, *fictionization* of sex for all the population, *ideology that denies the validity* of sex, “*perceived*” sex, *self-identification* of the sex. The words denoting voluntarism are constantly repeated in both texts, trying to bring up the idea of free will. The idea of the voluntarism of sex/gender has to be seen as a risk or a problem, hence the semantic field of disappearance, annihilation and denial that is present along both texts; the consequence they consider that would arrive if everyone were entitled to register their “perceived” sex or if the legal sex is erased is the *fictionalization* of sex for all the population. The use of the notion of fiction (as opposed to the “truth of the sex”) and the scope “for all the population” suggest a hyperbolic use of the language; using this hyperbole they make clear the risks of the “Otherness” that they depict: the free choice, the fictions, the

¹⁵ El sexo no es una identidad. Es un hecho objetivo. No existe más “identidad sexual” que la experiencia física del propio cuerpo sexuado. No existe ningún “cuerpo inefable”, cerebro sexuado o alma sexuada que pueda encontrarse en contradicción con el cuerpo físico. Convenimos en que existe un debate social acerca de la existencia de estas nociones metafísicas. Ahora bien, estas deberían quedar al margen del ordenamiento jurídico. (Contra el borrado de las mujeres, 2021, p.3)

¹⁶ De tal forma que estas propuestas normativas se proponen modificar el contenido de la categoría jurídica «sexo», para cobijar en ella una realidad subjetiva, cambiante e inverificable, denominada, indistintamente, «sexo sentido», «identidad sexual» o «identidad de género» (Manifiesto del movimiento feminista, 2020, p.2)

lack of control, the lack of a solid ground for policies, the disappearance of the truth, the erasure of the material reality of the bodies and so on.

(b) Gender: the second most repeated term appears in constant reference to the identity in a critical way. They denounce that

(the trans bill aims at) the substitution of the content that informs the legal category of “sex”, that is, the existing sexual difference between men and women, for the content that holds the category “gender identity”, which is defined as the interiorization of sexist cultural roles¹⁷.

While sex is defined as the sexual difference existing between men and women, gender *identity* means the interiorization of sexist cultural roles. Therefore, all the uses of the notion gender *identity* are negative. They emphasise in the texts the role that gender identity plays in the reproduction of conservative gender stereotypes. As we can see, gender appears as connected with *dysphoria*, *self-determination* and *auto identification* in several times dysphoria is a reality produced by sexist imaginaries. Although gender dysphoria is no longer considered a disease, they compare it to anorexia. Gender is essentially a negative feature to be abolished, hence the repetition of the expression *abolicionistas del género* (gender abolitionists), since they consider themselves as activists whose aim will be the end of patriarchy and with for that, the end of gender has to come. The “Otherness” is clearly generated using adjectives and adverbs that denote seriousness, dystopic futures and diseases, as opposed to the “us”, “feminists” who are being “prosecuted” for telling the truth: the community of sameness is based on the consensus that “sex” is the authentic and ground concept for any political and scientific theory, while the “other” belongs to the realm of the “culture”, a “culture” that is branded as “misogynistic” and “conservative”.

8.3. Discourse in practice: production and consumption

¹⁷ En este plano, la sustitución del contenido que informa la categoría jurídica «sexo», esto es, la diferencia sexual existente entre mujeres y hombres, por el contenido que sustenta la categoría «identidad de género», es decir, la interiorización de los roles culturales sexistas (Movimiento Feminista, 2020, p.15)

The second level of analysis understands that a text is not produced in a vacuum; the elements of production of the text and the process of consumption have to be considered to provide a bigger picture of the cultural product. The texts are political manifestos that show the views on this specific topic in a poignant tone. The use of linguistic resources, such as metaphors, repetitions of concept, epithets or a wide range of hyperboles is a key tool in order to produce a specific kind of language. This discursive use seeks also to mobilise certain affects in the readership, such as fear, discontent, disorientation and rage. We can draw from the previously detailed expressions and from this choice of language that the women that are behind the writing of these texts are doing it in a very specific tone. Actually, they are trying to engage with a large cisgender community, and addressing themselves at that cisgender community that might find logic the way the ideas are presented, especially if they sympathise with a “biologist” notion of woman. Both texts have as point of departure certain assumptions such as the fact that queer theory is “sexist” and “binary” and that “transgenerism” reinforces “womanhood” and “manhood”.

There is a high level of interdiscursivity. It is evident that both manifestos engage in a critical conversation with the trans bill draft, the text “Alegaciones al anteproyecto de ley para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGBTI” integrates within the text specific articles of the trans bill draft in order to refute them point by point, starting each section by quoting a paragraph that will be put into question. It is a juridical and political discourse, produced with the aim of detailing specific points of the law and critiquing them in a thorough manner. The text starts dealing with concrete concepts and their views on the use that the trans bill does on them and it becomes progressively more political and bitter by the end of the manifesto, where specific accusations are made against the trans and queer communities that are behind the desire of this law. Some accusations are the restriction of the freedom of speech, the invention of a “queer neo language” and the “misogyny”. In the production of this text, they have chosen a depiction of trans people as the Other that cannot be controlled due to the new changes that this law would put in place. In other words, the semantic field of the text mobilizes a lot of nouns and adjectives around the ideas of lack of control and of indeterminacy, so that they convey the idea that “becoming trans”, “fictioning the sex”, in their own terms” will be an easy and desired step to take for “the population”: they use the terms “risk”, “indeterminacy”, “self-determination”, “danger”, “fraud”, “insecurity”, “absence”, “unverified”, “disappearance”.

While the first text are specific "Allegations" (with legal quotes) made to the draft of the bill, the use of the language of the second text is strictly political, entitled "Political document". The data used in the interdiscursive dialogue is immense: the text, which is only five pages long, provides 15 pages of footnotes. That provides a sense on how thoroughly the arguments detailed in the five pages have been constructed. A vast number of the footnotes are references to the current trans bill draft, the national law of 2007 or other regional law regarding trans rights, there are also a lot of different references to news in the media and journal papers. The narrative of the Otherness that this text produces is related to a belligerent rhetoric of war and confrontation. The text mobilises concepts such as "confrontation", "dispute", "threats", "attacks", "injured", "physical aggressions", "ideological persecution" or "coercion". This use of the language produce in the readership a sense of urgency and of fear, and they draw very clear lines between the "us" (attacked, confronted, injured, persecuted, coerced women) and "them" (attackers, powerful legislators, predators, instigators of the patriarchy) While the other text showed a kind of risk more linked to an open and unspecific future that the trans law proposes, this manifesto stresses the importance of taking action as soon as possible, as the possible outcome of the trans law is a public danger Both texts refer constantly to cases, papers and material from the UK. As it was stated in literature revision section, the anti-transgender movement has had a special traction in that country; TERFs produce scholarship and have a voice in quite relevant media. Spanish TERF communities have access to this material and they reproduce the ideas of their British counterparts in a very literal way. Actually, the TERF communities work in a quite international network, reproducing very similar arguments in very different situations and legal contexts. As for an example, recently two different national platforms of "Contra el Borrado de las Mujeres" in Argentina and in México "have opened". The interdiscursivity is essential to reinforce the political arguments that TERFs are constructing, using news and journals that reinforce their arguments with data and events.

8.4. Discourse analysis as a social practice

In this section I will shortly reflect on how these texts are connected to their bigger communication contexts and how it foregrounds the power relations at stake. I will focus my

reflection on the power relations that their account of sex and gender provide in regard to feminist and queer theory.

Resuming the inquiry of concept of “sex”, they consider that sex is the basic category for legal writing, as it does not have space for ambiguity or legal uncertainty. Sex is considered as a given data, a natural and objective feature that serves both as an anthropological and juridical category. It is relevant to stress the over-determination or the saturation of this term, which seems to fit every field of knowledge. Anthropological concepts are by definition terms shaped by a culture in an specific historical and in the nature/culture divide, so if sex is seen as “nature” as opposed to gender (culture), it is inconsistent to consider it an anthropological notion. Biology seems to be destiny in the way the manifestos portray sex as an essential, ahistorical feature from which the legal system starts to produce statistics and other data: if we allow changes in the sex register, not only the statistics will be “biased” but the door will be open for the “fictionation of the sex”, stating that everyone will be able to “make a fiction” and choose their sex. The fact that they use the notion of sex as their bastion of defence is interesting since the concept has been widely replaced by the notion of gender during the last years. For example, the law against gender-based violence does not talk about discrimination based in sex rather than in gender. Gender is normally what we are asked in public forms; introducing the concept of sex back has certain consequences, because “reducing womanhood to reproductive capacity and role undoes decades of feminist work that has sought to upturn conservative thought that relegates gender role to sex” (Hines, 2020, p.34); furthermore, the emphasis on the sameness of all “sexed female-body” erases the different fights that diverse women carry out, often at the intersections of different power systems:

Work by feminists of colour, disabled, lesbian and bisexual, working class and trans feminists has provided rich analysis of the intersecting facets of women’s oppression, pointing to the ways in which minority women are discounted for within dominant feminist frameworks that offer a narrow definition of what a woman – and thus a feminist subject – is (white, able bodied, heterosexual, middle class and cisgender). (Hines, 2020, p.34).

A lot of scientific work during these last decades has shown that there is a spectrum running from “male” to “female, that sometimes the production of specific hormones (or a specific amount of hormones) does not match the “sex” and that drawing a hard line between the sexes based on genitalia, genetics, hormones or feelings is a social decision and not a objective

information provided by nature. Deciding which assumptions are taking for granted in a text is a very relevant political and epistemological step, especially for texts that are as laden as the manifestos. The documents work with a very clear cut between nature/culture, body/mind, alienation/emancipation: the discussion on “sex” cannot happen because it one of their axiomatic principles. In other words, if sex as an epistemological category was questioned by TERFs, they would not be able to hold to their framework anymore. The ethical and moralist optics can be observed when the options are presented in such a Manichaeian way it is quite easy to convince uninformed readers: the notion of sex is always good for the analysis and it is felt as vernacular, while the term “gender” is consider a foreigner invasion.

TERFs contend that their strand of thought is related to second wave feminists and their work on sex/gender and the binary nature/culture is highly informed by theorists. As it has already been said, not all the feminist of the seventies understood in the same way the sex/gender divide. For Gayle Rubin, the sex/gender system is "the set of arrangements by which a society transforms biological sexuality into products of human activity, and in which these transformed sexual needs are satisfied" (1975, p. 165). Authors such as Andrea Dworkin in *Woman Hating* (1974) or Monique Wittig in “The Straight Mind” deconstructed the notion of sex as the biological essence of women:

For there is no sex. There is but sex that is oppressed and sex that oppresses. It is oppression that creates sex and not the contrary. The contrary would be to say that sex creates oppression, or to say that the cause (origin) of oppression is to be found in sex itself, in a natural division of the sexes preexisting (or outside of) society. Dominance provides women with a body of data, of givens, of a prioris, which, all the more for being questionable, form a huge political construct, a tight network that affects everything, our thoughts, our gestures, our acts, our work, our feelings, our relationships. (2003, p. 133)

In her materialist account of the sex/gender system, that will later influence the work of queer theorists such as Judith Butler, Monique Wittig understands sex as a production caused by the oppression of the system. It is dominance that generates the processes of differentiation. The conceptualization of sex has further evolved along with the development of a more critical and self-reflective science. Nevertheless, TERFs do not engage with these strands of knowledge and, as it can be seen from the footnotes in the manifestos, they find *ad hoc*

scientific research for their political claims. For them, “Sex, sexual difference and women are not biopolitically produced” (Karhu, 2022, p.301): they are outside any power relation.

Moving to the inquiry of the concept of gender, it is noticeable an interchange of dynamics: sex is a category to protect as it provides safety and it is truthful, while gender is a category to eradicate as it is the root of the discrimination for women. Needless to say, this unhears all the work of queer theory that understands gender as performative repetition of acts that enacts a reality and disrupts it (Butler, 1990). Gender identity is directly linked to the classical gender stereotypes: “ it is the ‘social construction’ of womanhood as a deterministic form of socialisation rather than evidence of gender’s artifice and malleability”. (Pearce, 2019, p. 21 in Hines, 2020, p.36)

The concept of gender identity for them, which is a core concept and a political battleground for trans people, has to be erased. That is why they consider themselves “gender abolitionist”, because they consider that in order to end with the patriarchy the notion of gender must disappear. It is relevant to note that TERFs are cisgender women that benefit from the privileges of cisnormativity, and that they do not have a roadmap to finish with this position of privilege. To sum up, TERFs reproduce an specific political way of understanding the body, contesting queer theory by rendering it absurd, fake and/or dangerous. They reproduce the current conservative status quo when it comes to cissexuality, as they are against any change that would break with the binary norm.

9. Conclusion

In this dissertation, I have to show which arguments TERF discourse is using in order to impact the writing of the trans bill, namely to avoid its passing. I have specially dealt with how these ideas are constructed, and which notion of the sex/gender system they reinforce. I have analysed the textual level, the discourse in practice and the discourse as a social practice; the two manifestos set a narrative of Sameness versus Otherness that is very characteristic of TERFs. While one of the texts (“allegations”) uses strategies of uncertainty and fear to capture the attention of the public, the other text has chosen to create a highly aggressive antagonistic view of the “Otherness” with vocabulary related to the

war. The high interdiscursivity of both texts shows the scholar background and the transnational dimension of the movement, since TERFs in Spain are connected to other likewise-minded in UK, the US or Latin America. This thesis is a continuation of the work of Spanish trans and queer scholars and activists that have recently contested the rise of TERFs in the national context. Instead of focusing on what queer theory has to offer, which is the focus of the works that I have mentioned in the literature revision section, I have decided to dissect the trans-exclusionary discourse from a Critical Discourse Analysis, considering it a theory that belongs to a privilege social group.

As has been pointed out in the background section, the fact that more than the half the Spanish territory has already laws that are the same that future trans bill wants to legislate for the entirety of the country and no negative issues have happened shows the paranoia of the TERF women and how detached from reality they might be. As different professionals state, the fact that the law is very flexible to permit changes of name and sex will help people to decide whether they want to a change without any surgery obligation (the TERF movement has repeatedly underlined that trans kids are massively undergoing procedures). It must be stated that a lot of the statements found in the two manifestos are not only against the trans bill that should be approved in 2022 or 2023, but that they hold more conservative views than the current national law from the year 2007. For example, they consider that it is fair to compare transphobia to a disability or to anorexia.

The sex/gender system they portray and produce is not innovative. As Gracia Trujillo points out, their conservative views on sex/gender have not made any progress from Raymond's arguments. Considering sex as an objective fact and gender as a captious trap of the patriarchy is a result of ignoring the last decades of feminist and scientific research for the sake of their own views. It is arguable that most of the women that have these TERF arguments are white middle class well educated cisgender women, who claim to be "vulnerable" in sight of trans women from a very privileged position. The kind of sex/gender system they believe in is a paradox: they are quite critical with the existence of queer or gender non-conforming people, hence they consider that the reality should be constructed using the binary concept of sex and (but at the same time) the notion of gender should be disregarded. That is the biggest cleavage and argumentative tool that TERFs use to generate the Us/Other divide: an undeniable and essentialist notion of sex that is the starting departure for all the political and legal claims as opposed to an artificial, fake,

cultural construct called “gender”. The people that use the latter in their political fights are directly and easily labelled as the other (considered dangerous, capcious and misogynist) reinforcing the community of the sameness. Unfortunately, this incontestable sex/gender divide makes it impossible to stablish a dialogue between and trans movement and the TERFs, as the latter deny core notions for LGBTI/queer communities. Therefore, the future of the trans bill in Spain is quite unpromising, as the dissensus within the Spanish left wing government is getting increasingly polarized.

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