

Honor's Project Annotated Bibliography

A Gender Dilemma: Trans, Intersex, and Non-Binary People in Sports

Introduction

For this project, I have explored how transgender and non-binary athletes grapple with their identity when choosing to play competitive sports. After a certain level, sports teams generally become single-sex. For this reason, I have noticed talented gender non-conforming athletes opt-out of playing competitive sports for their identity or inversely put aside their identity to play competitively. I have had to decide to put my identity as a non-binary person temporarily aside to pursue soccer, a passion of mine, at a competitive level. In this annotated bibliography I will first give an overview of the basic terms for navigating the topic, historical background of “transgender athletes” - an umbrella term I will be using that includes non-binary and intersex athletes - and later will move on to discuss the possibilities of making the sports industry as an institution more inclusive and accessible to the genderqueer community as a whole. The dilemma under discussion addresses how single-sex sports were created in the name of fairness, to give women the opportunity to compete at high levels due to the assumption that males have a natural advantage over females when it comes to sports. However, the science backing the premise is not conclusive at all levels and while attempting to be inclusive towards cisgender women, it excludes non-binary and transgender athletes. Because the current is exclusionary towards these people it needs to be reformed more equitably.

1. Basic terminology

- a. Parenthood, Planned. “Sex and Gender Identity.” *Planned Parenthood*, 2021, www.plannedparenthood.org/learn/gender-identity/sex-gender-identity.
- b. Mosier, Chris. “An Introduction to Transgender Terminology.” *Transathlete*, 2021, www.transathlete.com/starthere.

Source A is mainly helpful for understanding the basics of the gender identity and biological gender spectrums and the genetic, physical, and hormonal differences of human sex. Source B primarily focuses on the specific terminology of words such as “transgender”, “cisgender”, “intersex” and “non-binary” that may be used for reference or clarity as they will frequently be mentioned in the following research.

2. Sex verification

Vox, director. *The Problem with Sex Testing in Sports*. YouTube, YouTube, 29 June 2019, www.youtube.com/watch?v=MicftLUzCI&t=1s.

This Vox video describes the advantages and disadvantages of sports due to the diversity of biological sex as well as identity. This video also discusses the complexities of sex verification and where the line drawn between sexes has changed through time. Initially, the practices of sex verification for sports consisted of often humiliating examinations of the genitalia of the athletes, some of which are still used today (eg. Texas). In 1967, chromosomal testing was introduced and became the primary method of distinguishing the sexes until testosterone limits, in turn, took their place. While the hormone testosterone generally gives advantages to athletes during development, not all studies have come to the same conclusions about the effects of testosterone on sports performance per se. Several other factors must be considered when discussing unfair advantages in sports:

- VO2 max = volume of O2 absorbed under exertion
- Heart size
- Levels of testosterone
- Muscle composition
- Access to equipment and training
- Nutrition

3. A human rights violation

Voyles, Caroline. "Sex Segregation in Sport: A Denial of Rights and Opportunities for Health." *Health and Human Rights Journal*, 28 June 2019, www.hhrjournal.org/2019/06/sex-segregation-in-sport-a-denial-of-rights-and-opportunities-for-health/#:~:text=Despite%20the%20diversity%20in%20sex,boys%20and%20women%20from%20men.

The Health and Human Rights Journal discusses the violations of basic human rights transgender athletes face in sports. This article raises questions about the idea of integrity in sports and then moves on to discuss how the premise of sex segregation is not the sole way of accomplishing fairness in sports.

EXCERPTS

Sex- Segregation:

"Most athletic competitions beginning in youth separate girls from boys and women from men. And while this may foster a more even playing field for girls and women in some sports and encourage their participation, it leaves little opportunity for those who transgress binary gender norms to compete."

Human rights violations:

"The convention on the Rights of the Child, while not explicitly referencing athletics, articulates in Article 31 the right of the child 'to engage in play and recreational activities appropriate to the age of the child'. This emphasis on recreation and play encompasses the world of youth sports. As a recent study revealed that almost 3% of teens identified as transgender or non-binary, a potentially sizable population experiences exclusion from sports at youth levels. Failing to include these children and adolescents is discriminatory and contrary to the principles of universality and non-discrimination in the field of human rights"

Slippery slope mentality and pervasiveness:

"While some states have recently allowed for a third, non-binary gender option on legal documents, for example, other States have regressed in their protections for gender minorities,

limiting their entrée into certain sectors of society such as the military. The creation of a sporting environment in which non-binary and intersex individuals are legally and socially recognized would also help their inclusion and acceptance in other parts of society.” “These regulations diminish “their chances to participate in the sports competition category in line with their gender, as well as the enjoyment and exercise of their human rights, including the right to health...the right to employment, and their livelihoods.” The issues of discrimination of genderqueer people extend far beyond sports.

4. Discriminatory policies and regulations in sports

- a. “Title IX and Sex Discrimination.” US Department of Education (ED), 5 May 2021, www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html.
- b. Committee, Education. “Idaho House Bill No. 500.” *PDFs*: 2020, legislature.idaho.gov/sessioninfo/billbookmark/?yr=2020&bn=H0500.

Federal Title IX is a federal civil rights law that prohibits discrimination and harassment “on the basis of sex” which can be interpreted in various ways. Additionally, it allows females to play on male teams if there are no female teams of that specific sport and ensures equal federal funding of educational programs and activities. Its meaning, however, has been changed based on party lines. The Obama administration added gender identity and transgender status to the basis of sex, but Besty DeVos’s rollbacks and Trump’s administration then gave the decision up to each state creating large trans rights discrepancies between them. The Idaho House Bill 500 for instance, as a part of the “fairness in women’s sports act” in the name of maintaining the “purity” of women’s sports, excludes transgender women from participating in high school and collegiate sports. This implicitly negates the womanhood of trans women which is dehumanizing. The Bill states that if the student’s gender is disputed they must have “normal” testosterone levels, they must be subjected to physical and genetic makeup examinations to continue playing. The transphobic implications of the legislation are clear leaving no space for privacy and preventing genderqueer and transgender students to compete at the highest levels.

5. Policies for gender non-conforming student-athletes: US map

- a. Mosier, Chris. "TRANSATHLETE High School Transgender Athlete Policies." *Transathlete*, 3 May 2021, www.transathlete.com/k-12.

This image was taken from the MAP think tank that works for gender equality and lists the different high school policies by state and inclusivity. Because of the lack of clear federal support on this issue, there are a range of policies with varying degrees of restriction on the participation of trans and non-binary athletes in sports ranging from so-called "friendly guidance" to harmful and invasive qualifiers such as surgery to no guidance at all.

Policies by state

Green: Friendly state guidance

Blue: Guidance that requires medical "proof" and/or invasive disclosures

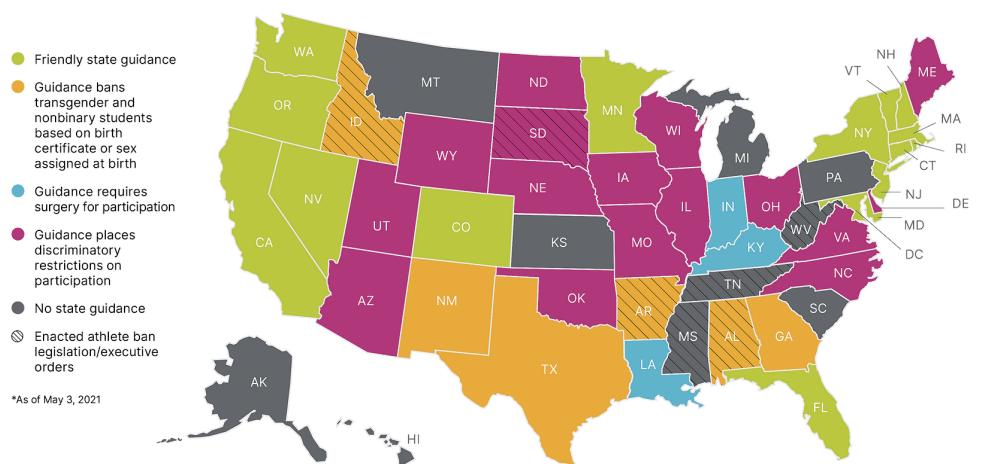
Red: discriminatory state guidance that includes multiple harmful components

Black: No state guidance

High School Policies

The below listed policies are high school policies set by the state's high school athletics association. They are not necessarily reflective of middle school policies, but many states follow the high school policies if they do not have their own. Middle school policies are more difficult to track, but will be added as we learn of them.

State Athletic Association Guidance on Inclusion of Transgender and Nonbinary Students, and State Athletic Ban Legislation and Executive Orders



glsen.org/policy

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6. Recent advocacy for equality and inclusion

- a. Hoffman, Johanna. “500+ Student-Athletes to NCAA Leadership: Speak Out for Trans Athletes.” *Athlete Ally*, 10 Mar. 2021, www.athleteally.org/student-letter-ncaa-hb500/.

In early March of this year, more than 500 collegiate athletes signed and sent a letter to the leadership of the National Collegiate Athletic Association (NCAA). These student-athletes demanded equality and safety in sports, actively advocating against out against the wave of anti-transgender bills that have been passed in several states, such as the Idaho House Bill 500, which the NCAA has refused to confront. More specifically, they request that the organization halt the participation of competitions in the states with discriminatory legislation to be accountable and assure the safety and wellbeing of the transgender athletic community.

7. Discriminatory cases in professional sports

- a. “Caster Semenya Loses Appeal for Equal Treatment.” *Human Rights Watch*, 28 Oct. 2020, www.hrw.org/news/2019/05/01/caster-semenya-loses-appeal-equal-treatment#.
- b. Theune, Felecia. “Brown, Title IX and the Impact of Race and Sex Segregation on Sports Participation Opportunities for Black Females.” *Wiley Online Library*, John Wiley & Sons, Ltd, 21 Jan. 2019, onlinelibrary.wiley.com/doi/abs/10.1111/soc4.12661.

To preserve the “integrity” of female athletics, the International Amateur Athletic Federation is permitted to subject athletes “under reasonable suspicion” to undergo sex verification examinations. This allows space for people like Semenya, a South African person, to be judged by different standards and subject to and anti-black racism and forms of discrimination against hyperandrogenism. The organization administered testosterone exams without her knowledge or

consent and upon discovering her natural production of testosterone was greater than considered normal, proceeded to target her by restricting the regulations on testosterone caps which included Semenya's three preferred races that were under a mile. Standards of femininity change with each culture. Ironically, Caster Semenya was asked by the IAAF to take testosterone suppressants that contain steroids to continue participating in her races.

This is an example of racism and sexism coming together in an intersectional way, similar to how Theune, author of source B, describes the overlapping of the Brown vs. Board of Education case and Title IX amendments. This intersectional oppression and sex verifications that justify transphobic rhetoric, racism, and eurocentric gender standards primarily impact the opportunities and positions available to black women athletes.

8. The counterargument

Tucker, Ross. "On Transgender Athletes and Performance Advantages." *The Science of Sport*, 9 Mar. 2020, sportsscientists.com/2019/03/on-transgender-athletes-and-performance-advantages/?doing_wp_cron=1623041151.0839390754699707031250.

Conservative opinions:

- Lowering T, as current policy requires, **completely removes the male performance advantage**, and so should allow participation of transgender MTF athletes without any opposition (blue corner). Many in this group have also argued that being compelled to lower testosterone creates a health problem for them, and should not be required (in varying degrees and with varying 'fervour', as we shall see)
- Lowering T, as current policy requires, **only partly removes the male performance advantage**, and therefore **MTF athletes should not be allowed to compete because they will still have insurmountable advantages and the integrity of women's sport may be destroyed** (red corner). This would be particularly the case in sports where stature and size matter, but is also because once you've had the benefit of testosterone during development, it can never be fully taken away.

As was mentioned in source one, the research on the effects of testosterone on athletes varies greatly. The people who interpret testosterone to have more of an advantage in performance tend to agree with one of these two opinions. In the less extreme example the first opinion sustains that testosterone caps would be enough to make female sports fair, and the second more discriminant opinion, believes that transgender women would have too significant an advantage over cisgendered women having had high testosterone levels during development. This last viewpoint is often correlated with transphobia since it does not account for other natural physiological advantages all the best athletes in the world possess (Usain Bolt’s height, Michael Phelps’s long arms...). Requiring intersex and trans-athletes to lower their natural testosterone levels is also not a viable option since these methods have proven to be harmful to athletes.

4. Possible equitable solutions confronting the lack of inclusive policies

Kerr, Roslyn. “Why It Might Be Time to Eradicate Sex Segregation in Sports.” *The Conversation*, The Conversation, 11 May 2021, theconversation.com/why-it-might-be-time-to-eradicate-sex-segregation-in-sports-89305.

Proposed classification system (for endurance sports)

Three examples using our proposed classification system

Event	Category 1	Category 2
Sprinting	Greater muscle mass, greater levels of fast twitch fibres	Lesser muscle mass, lower levels of fast twitch fibres
High jump	Greater muscle mass, taller	Lesser muscle mass, shorter
Long distance swimming	Greater muscle mass, greater V0 2 max capacity	Lesser muscle mass, lesser V0 2 max capacity

Potential solutions to new systems of classification independent from sex segregation have already been confronted in the Paralympics. This table gives an example of ways of classifying athletes of endurance sports on various levels such as muscle mass, height, and VO2 capacity. This is just one proposal for three specific events, but they would need to be adapted for other sports that rely on a variety of physical capabilities. Here are two examples of gender-inclusive leagues that have been branching out to various cities:

- <https://www.transathlete.com/recreation-leagues>
- <http://www.iglfa.org/mission-statement/>

Simply pushing for more coed teams at less competitive levels can make sports more accessible to the genderqueer community and satisfy this basic human right.

Link to the poster:

https://docs.google.com/presentation/d/1tmH5FbVkpX7PXuXM0567BQjRRBZsbOI6ICKRw_pzmTM/edit#slide=id.p