

University of Aberdeen Alumni Event
'Women's' and 'Men's' Sports Categories: Are They Ethically Justified?
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Aims:

- Discuss some aspects of current (esp. World Athletics and English Football Association) eligibility regulations.
- Argue for two distinct points:
 - (i) that *if* World Athletics insist on a binary categorisation, then they ought to change the names of the categories.
 - (ii) that *if* the English Football Association insist on a binary categorisation, then female footballers who are sufficiently capable ought to be allowed to compete within the male category should they wish to.

1. Context: sex/gender segregation in sports

- In many sports, two competitions are run for each event, involving two mutually exclusive categories labelled 'women's' and 'men's'.
- Since the establishment of sports institutions, there has been a perceived need for sex/gender segregation. Sports is one of the few areas in which this form of segregation persists and is deemed by many to be acceptable. The idea is arguably grounded in physical differences among the two groups of competitors.
- International Olympic Committee/World Athletics (formerly IAAF) regulations
 - 1968: Chromosomal screening introduced
 - 2011: Regulations on female hyperandrogenism introduced (<10nmol/L)
 - 2018: '[Eligibility regulations for the female classification](#)' introduced, currently in force: (<5nmol/L in international races ranging from 400m to 1 mile)

2. The need to relabel 'women's' and 'men's' categories

- Two problem cases:
 - Scenario 1: Woman with differences in sex development (DSD) excluded from competing in 'women's' category.
 - Scenario 2: Trans man competes in 'women's' category.
- In excluding the athlete in Scenario 1, the eligibility rules falsely imply that the athlete is not a woman. Similarly, in permitting the athlete's participation in Scenario 2, the eligibility rules falsely imply that the athlete who takes part is a woman.
- Both implications are instances of *misgendering*: the wrong of misstating a person's gender. This wrong is bad enough on its own, but is even more harmful when its source is an authoritative and public institution such as World Athletics, for two reasons.
 - The misgendering is amplified and made public
 - The misgendering is legitimised
- Misgendering causes several harms (Kapusta 2013):

- It is an instance of microaggression: a type of harm that is seemingly slight but can lead to severe anxiety, fatigue, hypervigilance, stress and fear (Sue 2010).
 - It undermines self-respect and identity
 - It contributes to hermeneutical injustice (Fricker 2007)—the injustice of having a significant aspect of one’s social experience not widely understood, due to prejudice.
- The regulations governing women with DSDs are highly controversial and widely discussed. World Athletics should eliminate any gratuitous harm these regulations bring. In the absence of a change to the substance of the regulations, the names of the categories ought to be changed to *more accurately reflect* their eligibility criteria.
 - ‘Women’s’ → (female/intersex) and low-testosterone (F/I & Low T)
 - ‘Men’s → male/high-testosterone (M/High T)
- Objections and replies
 - Objection 1: the names are awkward.
 - Reply 1 (direct): true, but they’re not gratuitously harmful. Lack of elegance is a low price to pay to avoid unnecessary harm. Additionally, the labels’ wearing their eligibility ‘on their sleeve’ allow general public to be aware of (and reflect) on the actual criteria.
 - Reply 2 (accommodating): change simply to ‘low-testosterone’ and ‘high-testosterone’.
 - Objection 2: World Athletics won’t do it.
 - Reply: but they should! *Even by their own lights*, WA ought to avoid gender terms: ‘in no way are [the regulations] intended as any kind of judgment on or questioning of the sex or the gender identity of any athlete’. To comply with their own intention, the labels should shed their gendered gloss from what is in fact primarily a matter of *legal* sex and testosterone levels. The name of the categories should reflect the *actual eligibility criteria*.

3. The need to reject the ban on female athletes competing with males

- In some sports (notably football), female athletes are not allowed to compete with males, and vice-versa. Focus on the first restriction.
 - Some sadly not-so-well-known cases: [Stephanie Labbé](#) and [Maribel Dominguez](#). Closer to home: [Mamiko Tanabe](#).
- Two kinds of segregation:
 - Strong segregation: there are two competitions: male-only and female-only
 - Weak segregation: there are two competitions: female-only and mixed, with female athletes eligible to participate in either.
- My claim: *if* FA insist on a binary categorisation, then football should be weakly segregated.
- Objections and replies
 - Objection 1: Turning male-only competitions into mixed competitions while preserving female-only competitions is unequal: if females are allowed to play in

hitherto male-only competitions, then males should be able to compete in hitherto female-only competitions. So what you are advising collapses into mixed competition all-round, pushing many elite female footballers out of elite football.

- Reply: there is no such collapse. Compare: Under-18s who are capable of competing with older players are allowed to do so; athletes with disabilities are in principle able to compete against able-bodied athletes.

- Objection 2: in suggesting that the female category is 'lesser', the system is implicitly sexist.
- Reply: allowing capable female athletes to play with males need not be underpinned by any essentialist claim regarding the 'lesser' footballing capabilities of female athletes. It is consistent with open-mindedness about the essentiality of the relative ability of the two groups. (Differential socialisation/resourcing goes some way towards explaining current differences in ability). More importantly, the parallel system for age groups and (dis)ability groups is not ageist or ableist.

- Objection 3: it is unsafe for female athletes to compete with males.
- Reply: Implausible that this is true across the board (see Mamiko Tanabe above). In general, we should let the athletes in question decide for themselves; it is wrong to rule out their participation on safety grounds 'from the armchair'.

References

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Sue, Derald Wing (ed.) (2010). *Microaggressions and Marginality: Manifestations, Dynamics and Impact*. Hoboken, NJ. Wiley and Sons.

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