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An Analysis of the Moral Acceptability of the Inclusion of Transgender
Athletes in the Olympic Games

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Abstract

Speculation on whether the inclusion of transgender athletes in the Olympic Games is fair stems from concerns that female transgender athletes will retain male physiological advantages, attributable to testosterone, and that the effects of testosterone supplementation enhance male transgender athletes' performances. The aim of this thesis is to critically analyze the moral acceptability of transgender athletes' participation in the Olympic Games. The literature reviewed serves to contextualize the issue of the inclusion of transgender athletes by providing a historical outline of sex-segregation in sport, gender verification in sport, and transgender policy development in high performance sport. The conceptualization of important terms such as sport, fairness, cheating and Olympism clarifies the ethical issues present in determining if it is fair for transgender athletes to compete in the Olympic Games. Philosophical reflection and the application of intersubjectivity reveal that the exclusion of transgender athletes from the Olympic Games on the notions of fairness is morally indefensible. The resulting analysis supports the argument that there is no reason to exclude transgender athletes from the Olympic Games on such notions. Moreover, this thesis demonstrates that a person's perspective on the fairness of transgender athlete inclusion is shaped by what one believes the goals of the Olympic Games ought to be. This thesis concludes that the eligibility of transgender athletes should not be solely contingent on physiological factors, but should also be hinged on a defensible moral rationale. Through the lens of intersubjectivity, I argue that the inclusion of transgender athletes advances the Olympic Movement by aligning with the moral aims of the Olympic Games and, in turn, facilitates the diffusion of Olympism.

Keywords: Transgender, Inclusion, Olympism, Olympic Games, Intersubjectivity

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Chapter 1: Introduction

The dichotomous categorization of individuals by sex and gender is blatantly apparent in sport where the majority of events, competitions and teams are selected, divided and organized by biological sex. Transgender athletes challenge the high-performance sport system's reliance on sex-segregated categories by confounding sport governing bodies' tendency to neatly categorize individuals by biological sex. Athletes who do not neatly conform to the traditional interpretations of femininity and masculinity, in turn, threaten sport's structural foundation. As a result, many transgender, intersex and gender variant athletes¹ may face gender discrimination, prejudice and exclusion from their sport (Sykes 2006, 3).

Discrimination of this nature occurred in 2009 in the case of South African 800m sprinter, Caster Semenya, who was disqualified and deemed ineligible to compete in any further competitions for several months while the International Association of Athletics Federations (IAAF) investigated whether she was female or not (Henne 2014, 787). Since then, the media, scientific researchers, and academic scholars all weighed in to analyze and evaluate the status and ethics of gender verification in high-performance sport. The magnified attention on Semenya's case revealed a general lack of knowledge and understanding about gender variant athletes and conditions. Caster Semenya remains a prime example of a female athlete whose 'masculine' appearance interfered and clouded some of the public's perceptions of her legitimacy to compete and her gifted

¹ The terms, 'transgender,' intersex' and 'gender variant,' among others, are defined in section 1.1 Glossary of Terms below.

athletic ability (Behrensen 2013, 452). Although Semenya is not a transgender athlete, the discriminatory nature of her temporary ban from athletics by the IAAF, for allegedly having a disorder of sexual development (DSD) thought to confer a competitive advantage, demonstrates how athletes who challenge idealistic gender representations are often targets of public scrutiny and subjected to questionable and unethical procedures to confirm their eligibility (Bostwick & Joyner 2012). Similar to Semenya, transgender athletes face the difficulty of navigating their place within a rigid system that does not always recognize the presence of gender variance or transgender rights (Pieper 2012, 686). Semenya's controversy highlights the evident gap in sport and society's understanding of intersexuality, sheds light on the discrimination experienced by athletes who do not neatly fit into gender norms, and opens debate about the ethics of gender verification measures enforced by the International Olympic Committee's (IOC) Medical Commission (Henne 2014, 787).

The currently unsubstantiated assumption that hormone therapy utilized by transgender athletes provides the same advantages of doping has long contributed to the justification of excluding transgender athletes from major sporting events (Teetzel 2014, 116). Recognizing that some of the transgender eligibility rules implemented in 2003 were discriminatory and unsubstantiated by scientific research, in 2016 the IOC revised its policy on the inclusion of transgender athletes in the Olympic Games (IOC 2016). When it comes to high performance sport at the Olympic level, the inclusion of all athletes is important, but so is fairness. The implementation of rules and regulations to ensure fairness is crucial in preserving the Olympic ideals. However, the implementation

of these measures at the expense of human rights is immoral and unethical (Teetzel 2014, 117).

The scrutiny experienced by transgender athletes is problematic for various reasons. Extensive scientific research and evidence validates that sport serves socio-emotional, political and integrative functions (Caudwell 2014, 399). Sport participation is an important tool for socialization and has proven to lead to the development of many important life skills, such as, “the development of a strong sense of morality; and appreciation of diversity” (Zarrett & Eccle 2006, cited in Hanna 2012, 116). In other words, everyone deserves the right to participate in high-performance sport and it does not seem ethical to deny an individual’s access to sport, and its positive health, socio-cultural and integrative benefits, on the basis that an individual’s gender identity does not conform to the general social understandings of male or female.

The scrutiny transgender athletes face requires more analysis because it is a relatively new human rights issue that has not been addressed fully through a philosophical lens. So far, an openly transgender athlete has not yet competed at the Olympic Games. However, it is possible a transgender athlete could qualify to compete in the near future. Due to the “reopened debates on the surveillance of the women’s category of sport” scholars have emphasized the need for philosophers to voice their ideas about “fairness, cheating, gender, justice, inclusion and exclusion” in sport (Teetzel 2014, 115). In order to resolve the contention of transgender inclusion in sport comprehensively and reasonably, philosophical and ethical analyses are necessary. Despite the complexities of including transgender athletes in high-performance sport, the danger of an influential organization being unprepared to defend its inclusion policy is equally irresponsible.

Sport organizations, and many other authorities, are now pressed to confront that gender is not always easily compartmentalized into male or female divisions, but coexists on a fluid continuum. For example, in Canada, Members of Parliament from the Liberal Party of Canada are attempting to pass a bill that includes gender identity as prohibited grounds of discrimination in the Canadian Human Rights Act (Liberal Party of Canada 2016). The Liberals' bill points to the growing need to acknowledge and respect the rights of transgender people in all jurisdictions. The lack of current knowledge on transgender rights exemplifies the need to further current understandings of gender variance by highlighting how to promote inclusion in all realms (Caudwell 2012, 5).

This thesis focuses specifically on the importance of promoting inclusion in the Olympic Games. Although an openly transgender athlete has yet to officially compete on the Olympic stage, it does not mean that a transgender athlete's entry into the Olympic Games is far-fetched or impossible. The IOC and sport governing bodies need to continue to develop concrete anticipatory action plans in order to ensure preparedness, so that when a transgender athlete does qualify for the Olympic Games, sporting organizations can respond with procedures that are respectful, organized and informed.

The issue of transgender inclusion in sport requires attention because the Olympic Games are undoubtedly one of the greatest cultural spectacles in modern times boasting "unparalleled global allure" (Torres 2011, 3). With the pressures of global allure comes the responsibility to act in accordance with the moral aims of the Olympic Games. Pierre de Coubertin, the founder of the Olympic Movement, described the spirit of Olympism as the heart and core of the Olympic Movement. Although Coubertin promoted Olympism as a "philosophy of life" and a "state of mind," he did not define or articulate its meaning

consistently (Torres 2011, 4). Olympism is a concept that continually evolved throughout Coubertin's life, and when asked, he often described it as the "something else" that could not be found in any other international sports competition (Torres 2010, 3). Despite the ambiguity of Olympism, it is apparent that "values such as holistic development, excellence, peace, fairness, equality, mutual respect, justice, and nondiscrimination are repeatedly emphasized" (Torres 2006, 242). The Olympic Games take place on a global stage, and arguably should represent the highest and most sophisticated level of high-performance sport. The importance of promoting inclusive sport and unity is reaffirmed in the fourth fundamental principle of Olympism set out in the *Olympic Charter*, which states:

The practice of sport is a human right. Every individual must have the possibility of practicing sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play (IOC 2016, 11).

As this statement from *the Olympic Charter* stipulates, the practice of sport is a human right and every individual should have the opportunity to practice sport without discrimination of any kind, yet the practice of sport should also be aligned with the spirit of fair play. Thus transgender athletes' inclusion at the Olympic Games can present a perceived clash of values. The mention of the Olympic spirit points to the moral philosophy of Olympism. Through the ideological lens of Olympism, the moral dilemma of including transgender athletes in the Olympic Games could be resolved.

The Olympic Fundamental Principles also support the aims of the *Olympic Charter* stating:

The enjoyment of the rights and freedoms set forth in this Olympic Charter shall be secured without discrimination of any kind, such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status (IOC 2016, 11).

Although equality and inclusivity are driving forces in achieving the moral aims of the Olympic Games, it is important not to undermine the complexities involved in including transgender athletes in high-performance sport and to acknowledge the level of difficulty in implementing and fully actualizing the Fundamental Principles of the *Olympic Charter*.

McLaughlin and Torres argue that if the inconsistencies and enduring ambiguity of Olympism were acknowledged, then perhaps a more holistic and accurate depiction of Olympism could be actualized and then practiced (2012, 105). Although a plethora of conceptions on Olympism exist, Olympic studies scholars generally agree that the uniqueness of the Olympic Games “resides in its ambition to explicitly pursue moral values through sport” (McLaughlin & Torres 2012, 105). Despite the debated ambiguity of Olympism, an underlying constant is Coubertin’s recognition of sports serving as a basis for developing deeper engagements with others.

In this thesis, I start with the application of the IOC’s interpretation of Olympism, outlined in the Fundamental Principles of the *Olympic Charter*. Olympism is defined as a “philosophy of life...that blends sport with culture and education in order to create a way of life based on the joy of effort, the educational value of good example and respect for universal fundamental ethical principle” (IOC 2016, 11). Although, the accomplishment of such lofty goals is difficult, it does present a starting point to assess whether the

Olympic Movement is fulfilling the goals of the Fundamental Principles, and provides grounds to hold the IOC accountable to the Olympic Movement's mission and aims.

I believe that this interpretation of Olympism links the Olympic Movement's aspirations to the theoretical perspective of intersubjectivity². Similar to people's own development and values, their understanding of the Olympics Games is malleable and can also evolve with time and new social realities. Through the lens of intersubjectivity, as a moral approach to sport, this thesis will determine whether the inclusion of transgender athletes is fair, while also exploring whether a more inclusive and holistic conceptualization of Olympism is possible when framed by the tenets of intersubjectivity. Ultimately, the application of intersubjectivity, as a theoretical framework, to the Olympic Movement facilitates authentic conversation among Olympic members by confronting potential competing viewpoints and ideologies through the presence of cultural pluralism (McLaughlin & Torres 2012, 105).

Although notable progress has been made in regards to inclusion policy development in the Olympic Games, it appears that there is still a level of arbitrariness in whether the inclusion of transgender athletes in high performance sport aligns with expectations of fairness. This thesis critically reflects on past research conducted on the inclusion of transgender athletes in the Olympic Games, and expands current understandings of the inclusion of transgender athletes in sport by applying the theory of intersubjectivity as a moral approach to sport to the Olympic Games.

² The use of intersubjectivity as a theoretical framework for my analysis is explained in Chapter 3, Section 3.1.

1.1 Objectives

This thesis has two objectives; 1) to examine the issue of transgender inclusion from a practical perspective in an attempt to understand the resistance to include transgender athletes in the Olympic Games, and 2) to analyze how an intersubjective moral approach to Olympism can contribute to an evaluation of the moral acceptability of including transgender athletes in the Olympic Games. To address the first perspective, it is necessary to conceptualize the idea of fairness in the Olympic Games. This philosophical reflection clarifies what forms of advantages are deemed socially acceptable or unacceptable in high performance sport, in order to determine what makes a transgender competitor's participation in the Olympic Games fair or unfair. Doing so helps determine whether the inclusion of transgender athletes compromises the Olympic values, specifically the value of fairness, or not.

The second objective is a theoretical one and involves the examination of how an intersubjective moral approach to Olympism can “provide clarity on issues related to the practice and governance of the Olympic Movement” (McLaughlin & Torres 2014, 354). This research objective clarifies whether an intersubjective theoretical perspective can be utilized as a moral platform to assess whether the inclusion of transgender athletes in the Olympic Games aligns or contradicts the overall goals of the Olympic Movement. An analysis of the intersubjective facets of this case helps hone in on the moral issues involved in inclusion and exclusion of transgender athletes in the Olympic Games. This analysis aims to illuminate best sport policy practices to propel and elevate the Olympic Movement.

In addressing these two objectives, this thesis analyzes the question of whether or not the inclusion of transgender athletes in the Olympic Games compromises Olympic fair play ideals. I question whether the inclusion of transgender athletes in the Olympic Games should continue to be solely contingent on physiological factors that determine eligibility. I explore whether Olympism is more fully actualized when the inclusion of transgender athletes is also hinged on moral rationale. When applying an intersubjective moral approach to sport, I argue that the inclusion of transgender athletes in the Olympic Games advances the Olympic Movement by aligning with the moral aims of the Olympic Games and, in turn, facilitates the diffusion of Olympism.

The literature review that follows in the next chapter focuses primarily on the policing of the women's category in sport; this focus is a delimitation of this research, but will serve to contextualize the resistance of sport-governing bodies to include transgender athletes, predominantly transgender women in the women's sport category. The literature review provides a brief historical outline of sex-segregation in sport, a detailed outline of the history of gender verification and transgender policy development in high performance sport, and also establishes the importance of inclusion-first based eligibility policies in sport.

1.2 Glossary of Terms

Brief definitions of key terms that will be used frequently throughout my thesis are highlighted below. The majority of the definitions featured below come from the literature reviewed. I pull from a variety of scholars to offer a glossary of terms that is integrative and informed, focusing predominantly on definitions used by the Canadian

Centre of Ethics in Sport (CCES) in its guidebook on how to promote inclusive environments for transgender participants in Canadian sports (CCES, 2016). Traditional understandings of sex and gender are generally products of culturally constructed views of gender norms. Considering my North American lens, I rely on the CCES's glossary, composed by a team of experts and athletes with knowledge of science, law, ethics, and gender studies, because it closely mirrors my interpretation and understandings of sex, gender, and gender norms in Canada.

1.2.1 Sex and Gender Terms

Biological Sex: Biological sex denotes biological and anatomical distinction (Parks Pieper 2014). Biological sex is usually assigned at birth and is based on an assessment of a person's anatomical, hormonal, genetic, and physiological make-up. Money's (1995) work expands on sex differentiation, with five prenatal determinants: chromosomes, gonads, internal morphology, external morphology, and hormonal milieu. The majority of women have two X chromosomes, and males typically have an X and a Y chromosome; "males normally have penises and testes and women have vaginas, uteri, and ovaries" (Foddy & Savulescu 2010, 1154). Additionally, possessing secondary sex characteristics such as breasts and high estrogen levels coincides with being female, where secondary sex characteristics such as facial hair, high levels of testosterone and a deep voice normatively correspond with the male sex (Krane 2012).

Gender: Gender refers to the socially constructed stereotypes and expectations about roles, attributes and behaviours that are typically associated with the female or male sex (Karkazis et al. 2012). Gender is a complex relationship between physical traits and internal sense of self, and usually categorizes individuals as masculine or feminine

(CCES 2016). Gender is shaped by sociocultural norms and traditions; and is not inherently connected or in alignment to one's biological sex.

Gender identity: Gender identity refers to an internal sense of one's own gender (Enke, 2012). Gender identity is reliant on an individual's internal identification of being male, female, both, or something other or in between (Lucas-Carr & Krane 2011). An individual's gender identity may be congruent or different from their biological sex assigned at birth. It is important to note that gender identity is distinct from sexual orientation.

Gender expression: This term refers to how individuals publicly project their gender; the way someone behaves, moves, speaks, acts and dresses are all ways that gender can be expressed. All people choose ways to express their gender. Gender identity informs gender expression. However, it is not accurate to assume gender identity based on the way an individual outwardly expresses gender identity through clothing, speech, and body movements. Instead, "sex, gender, gender identity, and gender expression coalesce and culminate in how someone feels about her- or himself and presents that outwardly" (Krane et al. 2012, 15). In most cases sex and gender align congruently, in socially expected ways. But in other cases, biological sex and gender identities do not align, making it more difficult to express gender in traditional socially constructed and accepted ways.

Gender dysphoria: Gender dysphoria is a condition that leads people to feel that their gender identity is incongruent with their biological sex assigned at birth (Coggon, Hammond & Holm 2008).

Gender binary: As a social system, sport only recognizes two sex categories: male and female. The gender binary is a rigid system that relies on the assumption that genders always coincide with biological sex. The binary and dichotomous categorization of sex fails to recognize individuals who feel that their gender identity is in misalignment with their biological sex. The gender binary is “particularly evident in sport where teams and activities are segregated based on biological sex” (Krane, Barak & Mann, 2012, 15).

Gender norms: The gender binary system influences social constructions of gender resulting in traditional representations of femininity and masculinity that become norms. Masculinity is characterized by strength, aggression, and dominance. Femininity is typically represented as frailty, submissive vulnerability and emotionality. Although gender norms are cultural constructions that can shift and evolve over time, behaviours that are socially acceptable for men and women are still prevailing forces in our society. Gender norms reinforce power structures and gender inequalities (Krane & Barak 2012, 39).

Cisgender (adjective): Cisgender describes individuals whose gender identity or expression is congruent with their assigned sex (Karkazis et al. 2012). Bauer and Scheim’s (2015) work attempts to break down the complexity of gender variance and distinguishes between “felt gender (the gender an individual understands himself or herself to be: gender identity), lived or social gender (how an individual presents his or her gender socially: gender expression), and conventional masculinity or femininity: gender norms.” In regards to sport, specifically, society generally interprets the outward/external displays of gender as an indicator of an individual’s biology. When an athlete’s outward display of gender identity is perceived as incongruent with their sex, it

raises suspicion about the athlete's assigned sex and/or eligibility to compete in their chosen sport (Karkazis et al, 2012, 6).

1.2.2 Transgender Terms

Trans is an umbrella term used to describe individuals who identify with gender identities and expressions that are incongruent with their biological sex assigned at birth. Trans encompasses a diverse range of gender variant identities and includes “but is not limited to people who identify as transgender, transsexual, cross dressers (adjective) or gender non-conforming (gender diverse or genderqueer)” (CCES 2016, 9). In this thesis, I focus primarily on athletes who identify as transgender and transsexual. Trans people may or may not undergo medical treatment, and/or surgical procedures to align their bodies with their felt gender.

Transgender: Individuals who experience an incongruence and misalignment between their assigned sex at birth and their felt gender/gender identity are transgender (Lucas-Carr & Krane 2011). For transgender persons, “their chosen name, preferred pronoun and apparel are common ways they express their gender. Transgender persons may also take medically supportive steps to align their body with their gender identity” (CCES 2016, 9). Transgender persons can be classified in the medical literature as MTF (male-to-female) or FTM (female-to-male). Yet not all transgender persons seek medical treatment or hormonal therapy. Transgender persons may also resist the gender binary system and choose to situate themselves within the broad spectrum or continuum of gender construction and identification.

Transsexual: Individuals may undergo medical treatment, or surgical procedures to align

their bodies with their felt gender identity. Individuals who have undergone sexual reassignment surgery (SRS), and are currently receiving hormonal therapy are transsexual (Semerjian & Cohen, 2006).

Transition: This term refers to the “process by which a transgender individual seeks to achieve consistency with their gender identity and which may, but not necessarily, include changing the person’s body through hormones and/or surgical procedures” (CCES 2016, 10). The transition process is individual, and varies from person-to-person. However, the transition process most commonly refers to social or medical transitions. Social transitions may include shifting of gender expressions: changes in clothing, speech, hairstyles are common. Individuals transitioning may also choose to deemphasize physical characteristics that are markers of their biological sex, for example, breast binding or padding (Bockting 2008). Use of new names or gender pronouns are common during social transitions. Medical transitions usually refer to the changing of one’s sex characteristics. Hormone therapy is “the most common medical intervention for transitioning sex, and aims to reduce endogenous hormone levels to eliminate secondary sex features of one’s birth sex and to replace those hormones with typical levels of the target sex” (Hembree et al. 2009). SRS or other medically supportive treatments are other examples of methods used to achieve medical transitions.

Intersex (adjective): Intersex is a term used to describe individuals who are born with genotypic or phenotypic markers that are not easily characterized as male or female. Typically, intersex people are assigned one biological sex at birth. Intersex is not synonymous with transgender, and “intersex people do not typically identify as transgender or transsexual” (CCES 2016, 10).

Hyperandrogenism: Hyperandrogenism is a medical condition characterized by excessive levels of androgens, “more specifically, testosterone, the androgen primarily associated with male sex characteristics and performance-enhancing attributes” (Henne 2014, 788)

LGBTQ: This Acronym is used to describe those who identify as lesbian, gay, bisexual, transgender or queer.

Chapter 2: Literature Review

This chapter presents an overview of the peer-reviewed scholarly research that contextualizes and informs the objectives of this thesis regarding the current status of transgender athletes' inclusion in high-performance sport. To do so, this literature includes: (1) an overview of the historical division of men and women in sport and the continued policing of the women's sex category, (2) the history of inclusion policy development with emphasis on the implementation and modification of gender verification procedures in high-performance sport, (3) a chronicling of the emergence of the International Olympic Committee (IOC)'s transgender sport policies and, (4) an overview of inclusion policies outlined by the National Collegiate Athletics Association (NCAA) and the Canadian Centre of Ethics in Sport (CCES). The historical analysis of the policing of the women's category the history of gender verification procedures, and the inclusive sport policy development contribute to this thesis by providing context for the objectives and research question outlined in Chapter 1. The intent of this chapter is to illuminate the academic work in this field of study and identify both best practices and gaps in achieving an inclusive high-performance sport arena that ultimately propels the aims and mission of the Olympic Movement.

This chapter reviews over 50 articles from databases and repositories such as GenderWatch, Google Scholar, LA84, Sage Research Methods, SPORTdiscus, Philosopher's Index, PubMed, and Women's Studies International. Sources were identified using keywords, such as transgender athletes, sex-verification, inclusion, Olympic Games and gender studies. The research reviewed in this chapter dates between 1990-2016. Prior to 1990, little interest or research was directed at queer, transgender or

intersex issues in sport. This date range may appear to be a small window; however, most credible, relevant and informed research on intersex and transgender athletes has been developed in recent years. Strict adherence to the gender binary in sport had resulted in the marginalization of transgender athletes and any other individuals who deviated from social gender constructions, and the discrimination and/or disqualification of transgender or intersex athletes, and so the concept of fluid gender identities was largely ignored in high-performance sport prior to the 21st century (Sullivan 2011). In recent years the recognition and visibility of intersex and transgender athletes has increased leading to more research in this area.

2.1 Historical Outline of Gender Segregation in Sport

The historical division between men and women in sport traces back to colonial times when the urbanization and industrialization of the Western world catalyzed a wave of change in the labour division of men and women, pushing men to work outside of “their homes and farms, where they had previously served their sons as models of masculinity” (Buzuvis 2011, 3). The fear that the absence of male role models in the household may feminize young males, in combination with the emerging platforms advocating for gender equality, sparked social institutions, such as schools, churches and businesses, to promote sport as an outlet for men to “cultivate manly virtues” and develop their manhood (Buzuvis 2011, 4). Men were funneled into team sports that aimed to reinforce characteristics that preserved male hegemony, such as competitiveness, physicality, leadership, power, aggression and dominance (Weaving 2006, 347).

Athleticism was a skill attributable to men, making it difficult for women to participate in sport (Dabholkar 2013, 56).

As women fought for equal rights in the twentieth century, women's participation in sport also gained momentum (Caplan, 2010, 549). The "growing involvement of women in sports led to an essential binary sex-specific division, men's and women's category" (Dabholkar 2013, 57). In contrast to the men's sport category, women were encouraged to participate in activities that emphasized the social aspects of competition. From the beginning, female athletes were objects of speculation and often recipients of open hostility (Behrensen 2013). Men worried that sport may be "too strenuous for frail women or conversely that this activity would attract only women who did not value their femininity" (Ritchie 2003 as cited in Behrensen 2013, 452).

North American culture began to showcase women as physically inferior and incapable of the same physical output and athletic accomplishment as men. This societal trend is commonly referred to as the frailty myth (Dowling 2001). Dowling (2001) contends that the widespread diffusion of the frailty myth forced women to stunt their own physical development. For example, women were encouraged to engage in physical activities that required some physical aptitude, as long as their sport participation did not compromise femininity (Dowling 2001). Griffin elaborates that when exhibited by men, athletic prowess, robust musculature, competitiveness, and aggression are anticipated and celebrated, but "the same qualities in a woman are regarded with suspicion unless she can counter-balance with overt exhibitions of femininity and heterosexuality" (2012, 2).

Cultural tensions between female athletes' musculature and femininity have long been kept at bay by strong encouragement for women to flaunt overt displays of

femininity, such as, growing long hair, attending charm schools and, painting their nails (Henne 2014). Academics have labeled these behaviours the female apologetic. Hardy (2015) clarifies that the term female apologetic “refers to any behaviours that female athletes engage in to negate or negotiate the negative stereotypes associated with their involvement in sport by embodying the traditional, or hegemonic, heterosexual notion of femininity” (Ellison 2002 as cited in Hardy 2015, 156). The emphasis on femininity is essentially a woman’s ‘apology’ for participating in sport and reinforces female athletes’ inferiority to men by “highlighting typically feminine traits, such as, frailty and docility” (Connell 1987 as cited in Hardy 2015, 155). Karkazis et al. (2012) report that the female apologetic is a prime example of the stifling policing that continues to patrol the women’s sport category. Today, women who participate in sport, especially male-dominated sport, still “run the risk of being labeled as masculine” (Hardy 2015, 154) and female athletes who are dubbed as ‘masculine’ are regularly stereotyped as lesbians (Cahn 2011). In addition, some athletic disciplines continue to have shorter maximum distances for women than for men, perpetuating the image of female frailty (Cooky & Dworkin 2013, 109).

It is widely accepted in society that sex-segregation is a justified form of discrimination in sport (Coggon, Hammond & Holm 2008). Dowling (2001) contends that sex-segregated sport is now the last realm where men can openly safeguard the male hegemony through assertion of masculinity, aggression and dominance, and argues that this is why social constructions such as the frailty myth and female apologetic prevail. Social constructions, such as the frailty myth and female apologetic, shed light on the blending of culture and history. Caplan (2010) adds that sex-segregation in sport is in part

a result of culture and history, but is also in place to ensure safe and fair competition. Ultimately, culturally constructed gender representations are woven into the very fabric of sport policy creation and reveal that the intersections of sport, culture and politics are inevitable. Analyzing the sex binary paradigm magnifies the extreme policing of the women's sport category and, in turn, exhibits how female athletes with non-normative sex and gender traits are often stigmatized and excluded from sport (Cohen & Semerjian 2008).

2.2 History of Sex-Verification Procedures and Policies in Sport

A historical outline of sex-verification is significant in the context of the inclusion of transgender athletes because it highlights how closely athletes are monitored and required to commit to the gender binary system in order to compete (Cohen & Semerjian 2008, 134). The following section analyzes how sex-verification procedures illuminate how sport-governing bodies have periodically relied on all of the typical individual markers of biological sex and gender to confirm or deny an athlete's eligibility in the Olympic Games. In doing so, I map the historical use of sex-verification procedures, between 1900-2015, in high-performance sport, with a specific focus on policies outlined by the International Association of Athletics Federations (IAAF) and the International Olympic Committee (IOC).

The 1900 Summer Olympics in Paris were the first time women participated in the Games (Bardin 2012). Women were invited to compete in just five of the disciplines, "tennis, sailing, croquet, equestrian and golf" (IOC 2016, 1). Only 22 of the 997 athletes were women, indicating that approximately 2.2 % of the competing athletes were women

(IOC 2016, 1). As more women began to compete in sport, officials continued to express concern of undetected men competing fraudulently as women (Bostwick & Joyner 2012, 509) to gain unfair athletic advantage and outperform female competitors for fame and money (Reeser 2005, 695). This concern was the impetus for sex-testing procedures in sport to ensure that competing women were in fact ‘fully women.’

The 1936 Summer Olympic Games, in Berlin, “marked the first, and so far, only documented case of a male impostor” at the Olympic Games (Behrensen 2013, 452). Heinrich Ratjen, a German high jumper, finished fourth in the women’s competition under the name, Dora Ratjen, and this discovery many years later, fed rumours of men masquerading as women (Berg 2009 as cited in Behrensen 2013, 452). By 1946, the IAAF required female competitors to bring medical certification to competitions to prove that they had successfully passed a sex-verification test and were eligible to compete (Pieper 2014).

In 1948, the IOC followed the IAAF’s lead by carving out its own policy for female sex-verification (Karkazis et al. 2012, 6). Female athletes were required to present “medical certificates of femininity” in order to be eligible for competition (Behrensen 2013, 455). According to Karkazis et al., both the IAAF and IOC provided “no standard criteria and exercised no oversight for making this determination, these markers could be based entirely on social and cultural criteria of femininity such as hairstyle, and dress, thus outwardly observable feminine characteristics served as a proxy for biology sex” (2012, 7). Dabholkar adds that “the concept of testing for sex defies reality in which sex is a construct—a reality in which our interpretation of a person is based on a number of factors (genes, hormones, anatomy, identity, expression)” (2013, 57) that may or may not

coincide with traditional ideas of male or female.

The Cold War raised tensions between the U.S. and Soviet-bloc teams and “whispers about men posing as women were rampant on both sides leading the IOC to devise a [more formal] sex-testing procedure in the 1960’s” (Bardin 2012). Accusations were directed mostly at women from the Communist bloc who were perceived as too masculine or simply too athletic to compete with other women (Behrensen 2013, 452). Mandatory sex-verification for all women athletes was first introduced at the 1966 European Athletics Championships in the form of a ‘nude parade’ in which women athletes were had to march nude in front of physicians, submit to genital exams and have their hair patterns analyzed to confirm their femininity (Bardin 2012).

In 1967, the IAAF and IOC received backlash for the invasive sex-verification procedures conducted by the IAAF at four major athletics events in 1966 and 1967. That year, both sport-governing bodies introduced a chromosomal test, known as the Barr Body Test (Cavanagh & Sykes 2006, 80). Female athletes were subjected to procedures that tested for the presence of a Y chromosome (Foddy & Savulescu 2010, 1154). The IAAF and IOC Medical Commissions believed that the chromosomal tests could provide greater scientific reliability in detecting men posing as women as opposed to the previous physical tests. Physicians overlooked the fact that the implementation of chromosomal tests did not account for individuals with chromosomal abnormalities. Ewa Kłobukowska, a Polish sprinter, won gold in the 4x100 m relay, and was a bronze medalist in the 100 m sprint at the 1964 Tokyo Summer Olympics. In 1967, Kłobukowska became the first female athlete to fail a compulsory chromosomal analysis and was barred from competing at the 1968 Summer Olympics, in Mexico City, “with

speculation (without confirmation) centering on her having an XX/XXY mosaicism” (Bostwick & Joyner 2012, 509).

In 1985, chromosomal-based sex-verification tests impacted world-class Spanish hurdler, María José Martínez-Patiño, who was initially disqualified from her Olympic team for failing her sex-verification test (Cavanagh & Sykes 2006, 80). The sex-verification test results revealed that the hurdler possessed a 46, XY chromosome pattern, which is typical for males (Behrensen 2012, 453). Martínez-Patiño was encouraged, by the IOC Medical Commission, to fake an injury and drop out of the Olympics so that she could leave the competition quietly and protect her privacy (Buzuvis 2011, 19).

Martínez-Patiño later discovered that she possessed a genetic condition known as Complete Androgen Insensitivity Syndrome (CAIS). CAIS is a condition in which a child is genetically male, but develops female sex characteristics. The condition is characterized by the inability to break down testosterone effectively (Buzuvis 2011, 20). Women with CAIS are phenotypically female and in “virtually all cases persons with CAIS are raised as girls and identify as women” (Morris 2006 as cited in Behrensen 2013, 455). Although Martínez-Patiño’s chromosomal tests indicated that she was male, she appealed the disqualification on the grounds that her condition made her completely unresponsive to testosterone, and thus resistant to testosterone’s assumed athletic advantage (Karkazis et al. 2012, 8). Martínez-Patiño’s challenge was successful and she was reinstated in 1988 (Cavanagh & Sykes 2006, 80). The IAAF then included CAIS on its list of genetic conditions that did not disqualify women from athletic competition (Behrensen 2013, 456). Although Martínez-Patiño was the first disqualified athlete to reclaim her eligibility to compete in women’s events, her victory came at a price:

I was told to feign an injury and to withdraw from racing quietly, graciously, and permanently. I refused. When I crossed the line first in the 60 m hurdles, my story was leaked to the press. I was expelled from our athletes' residence, my sports scholarship was revoked, and my running times were erased from my country's athletics records. I felt ashamed and embarrassed. I lost friends, my fiancé, hope, and energy. But I knew that I was a woman, and that my genetic difference gave me no unfair physical advantage. I could hardly pretend to be a man; I have breasts and a vagina. I never cheated (Martínez-Patiño 2005, S38).

Ultimately, the IAAF's initial eligibility ban halted her athletic momentum, and she did not qualify for any other major sporting event after her readmission to athletics (Henne 2014, 802). The public attention received by Martínez-Patiño ignited protests from the medical community, and the IAAF terminated its mandatory sex-verification procedures (Parks Pieper 2014).

In 1996, the IOC Medical Commission introduced a genetic test that tested athletes for the presence of the sex-determining region Y (SRY) protein. A positive test flagged the presence of an SRY gene, the main candidate for male testes development (Bardin 2012). At the time, the IOC Medical Commission members reasoned that testicles were the supplier of testosterone and the main source of male athletic advantage (Puffer 1996). IOC Medical Commission members believed that any woman who tested positive for the SRY gene also posed a threat to fair competition (Karkazis et al., 2012, 8). They believed that by policing categorical sex differences through sex-verification they could regulate fair play in the women's category. Unfortunately the SRY gene test "still failed women like Martínez-Patiño: with a 46, XY chromosome pattern and

functional testes, but no functional testosterone” (Simpson et al. 2000). In the 1996 Summer Olympic Games in Atlanta, the SRY sex-verification protocol produced 11 false positive tests, identifying eight of the 3387 competing women to be genetically male, and seven of these eight had partial or complete Adrenal Insensitivity Syndrome (AIS) (Foddy & Savulescu 2010, 1155). All eight women were subsequently eligible to compete at the Atlanta Summer Games.

Foddy and Savulescu (2010) report that over the course of five Olympic Games, an average of one in every 421 female athletes was determined to have a Y chromosome. By 1999, the inaccuracies of the SRY gene tests, and the harm inflicted onto female athletes who tested positive, led the IOC to abandon mandatory sex-verification (Pieper 2014). Instead, prior to the Summer Olympic Games in Sydney, the IAAF and IOC implemented policies that allowed medical practitioners to investigate and evaluate female athletes, using various medical exams and procedures, on an ad-hoc basis. ‘Ad-hoc’ referred to any female athlete who triggered concerns or suspicions of gender fraud (Buzuvis 2011, 20). Sex-verification tests were likely to arise as a result of: “(a) challenge by another athlete or team [...]; (b) suspicion raised as to an athlete’s gender as witnessed during an anti-doping control specimen collection; (c) an approach made to the IAAF/regional AAA or National federation by an athlete or his representative for advice and clarification” (IAAF 2006, B.2)

In 2006, seven years after the IAAF and IOC abolished mandatory sex-verification, ad-hoc testing exposed that Santhi Soundarajan, a 25-year-old Indian middle-distance runner, possessed an intersex condition (Pieper 2014). Individuals like Soundarajan, who are not “genotypically and phenotypically male or female can be

described as intersex or as having a disorder of sex development” (Scheim & Bauer 2015, 2). Soundarajan was consequently disqualified and stripped of the silver medal she won at the 2006 Asian Games (Buzuvis 2011, 20). Four IAAF physicians, none of whom spoke Soundarajan’s native language (Tamil), investigated, and “scrutinized [her] naked body” (Pieper 2014, 1558). At no point was Soundarajan informed of the purpose of the investigation, and days later, upon returning to India, she learned that she had failed the sex-verification tests. Soundarajan was disqualified and banned from future competitions, and later attempted suicide (Pieper 2014).

Soundarajan’s disqualification was later publically upstaged by one of the most sensationalized cases of sex verification disqualification: the case of South African sprinter, Caster Semenya (Krane & Sullivan 2012, 48). As explained in Chapter 1, the 18-year-old made headlines after winning the 2009 World Championship 800 m final by a large margin. Teetzel notes that although Semenya’s win was incredible, most major media outlets criticized her physical appearance, “speculating about her genitalia and testosterone level, and ... her suitability to continue competing in the women’s category of athletics” (2014, 113). With her broad shoulders, pronounced jaw, “flat chest, and chiseled musculature, the masculine cues were striking and the scrutiny withering” (Bostwick & Joyner 2012, 508). Rumours began to circulate about her having three times the testosterone level of a ‘normal’ female and the media and fellow competitors speculated that she possessed an intersex condition. It was publically assumed that her appearance and spectacular performance were products of a high testosterone level, and that once physiological proof was obtained she would be outside the female gender binary and, therefore, ineligible to compete (Behrensen 2013).

Semenya was never suspected of doping; however, she was accused of being too masculine and “the result was the same: a barrage of medical tests in order to determine whether she had gained ‘unfair’ advantage” (Behrensen 2012, 509). The IAAF confiscated her gold medal, and barred her from competition until she cooperated in suspicion-based sex-verification procedures to confirm her eligibility (Bostwick & Joyner 2012). During this time, academics, reporters, and bloggers weighed in with their interpretations of the validity of tests and examinations imposed on women in sport, in turn “reopening both the academic and public interest in the policing of the women’s category in sport” (Teetzel 2014, 114). After 11 months of ineligibility, invasive medical investigations, private negotiations, and severe public scrutiny, Pierre Weiss, the general secretary of the IAAF, publicly announced, “She is a woman, but maybe not 100 percent” (Padawer 2016). Semanya reclaimed her confiscated IAAF World Championship medal, and was allowed to compete on the track once again.

Caplan (2010, 549) asserts that no eligibility determination case in the history of sports has been more highly “bungled” than the case of Caster Semanya. Semanya’s experience accentuates the complexity of determining who does and does not “qualify to be a woman” (Bostwick & Joyner 2012, 508). The IAAF’s actions reveal the undeniable intersection of gender, sexism, ethnocentrism, and politics in the formation of sport policy (Pieper 2014). Bostwick and Joyner believe that Semanya’s issue was not that she possessed an intersex condition, but rather that she did not coincide with traditional representations of femininity, and had she looked more ‘womanly’ “the whole investigation would likely never have been triggered” (2012, 508). The ethical issues with sex-verification tests are not necessarily the tests per se, but the troubling

assumption that a single marker of genetic makeup is sufficiently indicative of one's sex (Karkazis et al. 2012, 6). South Africa, in partnership with the United Nations, would later submit a human rights complaint against the IAAF's unwarranted and invasive scrutiny of Semenya's body (Padawer 2016). The Court of Arbitration for Sport (CAS) agreed and gave the IAAF two years to demonstrate substantiated evidence proving that hyperandrogenic runners possess an unfair competitive advantage over other athletes. Sebastian Coe, the IAAF president, believes that they will produce enough evidence to overturn CAS' decision (Padawer 2016).

Foddy and Savulescu (2010) argue that simply differentiating sex into XX and XY groups is not a solution-oriented approach to sex-verification issues in sport, and certainly does not solve problems for intersex or transgender athletes. Karkazis et al. (2012, 4) add that historically sex-verification testing has mostly caught women with an intersex condition and that Semenya's case pushed the IOC and IAAF to rethink how sex-verification policies should be handled. Semenya's case illuminated how scientific objectivity fails the gender binary paradigm found in sport (Behrensen 2013). Foddy and Savulescu (2010) also question whether it is fair to tell a woman that she is a man when she has lived life as a woman. This case elucidates the vulnerability and mistreatment of intersex and transgender athletes in sport and revealed how fragmented and flawed sex-verification policies are in high-performance sport (Behrensen 2013).

Although advocates questioned the IAAF's actions, debates also circulated about the alleged unfairness of deeming Semenya eligible to compete against other women (Levy 2009). The old policy not only targeted masculine-looking women but also failed to be clear about when an athlete was eligible or ineligible to compete. Eligibility and

ineligibility “in cases that had been brought to the attention of the IAAF would be determined by an ‘expert’ panel, but apart from a vague mention of ‘surgical and medical measures,’ the policy gave no guidance as to how eligibility should be judged or as to how it could be restored in case an athlete had been found ineligible” (IAAF 2006, as cited in Behrensen 2013, 454).

In April 2011, the IAAF developed a policy that the IOC Medical Commission decided to also implement. The new policies replaced sex-verification testing methods with new policies that outlined an upper limit of functional testosterone for female athletes (Sullivan 2011). The new policies shifted the focus from DNA and chromosomes to functional testosterone, and focused on women with hyperandrogenism conditions (a condition that causes naturally elevated testosterone levels) (Schultz 2012). As outlined in the *IOC Regulations on Female Hyperandrogenism* (IOC 2011), the new policy rested on the assumption that testosterone is the driving factor behind male athletic superiority and advantage in sport, and that any woman with elevated testosterone would gain an unfair advantage over her female competitors (Karkazis et al. 2012, 4). Prior to the 2012 Summer Olympic Games in London, the IOC demanded that all National Olympic Committees (NOCs) “actively investigate any perceived deviations in sex characteristics” (IOC 2012, 3.B), which marked a new chapter in policing the women’s sport category.

The IAAF and IOC specified that the ‘normal’ level of testosterone in the female body is less than 10 nmol/L, and that there must be reliable speculation that a woman’s level exceeded this level to test a female athlete. The policy requires that women “known or suspected to have hyperandrogenism will be allowed to compete only if they agree to medical intervention or if they are found to be insensitive to androgens” (Karkazis et al.,

2013, 3). If a female athlete had a testosterone level of above 10 nmol/L the policy stated that she would be ineligible to compete until she lowered her testosterone levels (IAAF 2011).

Behrensen acknowledges that the new regulations on hyperandrogenism are “arguably an honest attempt to address these systemic flaws, as they aim to establish clear and quantifiable standards for the investigation of an athlete’s eligibility for women’s competitions” (2013, 451). Karkazis et al. agree that the shifted focus on hyperandrogenism might be an improvement to the former policies as the newly instated aim was to ensure fairness within women’s sporting competition, as opposed to removing women who are not ‘truly’ or ‘fully’ women (2012). At first glance the adjustments made to the sex-verification process may seem to be more progressive as they appear to be “less invasive and more objective than previous sex-testing methods” (Karkazis et al. 2012, 3). However, the new policies reinforce the same sociocultural gender assumptions that plagued previous gender verification methods; furthermore, they are they still “grounded in an incoherent understanding of fairness on sport” (Behrensen 2013, 451). Cooky and Dworkin (2013) point out that under the old rules, simply being suspicious of an athlete’s gender was enough to prompt an investigation and that the new rules fail to eliminate that issue. The new regulations state that an IAAF medical manager may “initiate a confidential investigation [on the basis of] information received [...] at a competition” (IAAF 2011, 2.2.5). Investigations into a woman’s eligibility are still assessed by an expert panel that makes decision based on data “including clinical signs of virilization (physical appearance, deepness of voice, body hair, etc.), genital characteristics (clitoral hypertrophy), [and] any other information the [panel] may

determine as relevant” (IAAF 2011, 6.2.i and 6.2.vi). Therefore, the new regulations do not rely on quantitative variables but continue to rely on traditional markers of femininity.

In June 2014, Dutee Chand, then 18 years old, was a promising Indian sprinter. She had just excelled at an athletics championship in Taipei and was training for the Commonwealth Games in Glasgow. After competing in Taipei, coaches began speculating about Chand’s ‘masculine’ stature and powerful running stride (Padawer 2016). Chand was required to partake in what she was told were ‘routine’ ultrasounds, urine and blood tests (Padawer 2016). After returning to India, the IAAF sent the Indian government sport’s authority a letter questioning Chand’s biological sex and demanded that she undergo sex-verification tests to confirm her eligibility. Chand underwent invasive and degrading gynecological procedures and secondary sex characteristic evaluations to determine her biological sex and assess the effects of higher testosterone on her body (Padawer 2016). Tests revealed that Chand’s testosterone levels exceeded the IOC’s threshold and she was subsequently suspended by the IAAF and deemed ineligible to compete at the Commonwealth Games (Ingle 2016). Chand’s testosterone level was not publicized, but it can be assumed that it was above the 10 nmol/L limit. She was dropped from the national team and was told that she would be suspended for the year and if she wanted to compete again then she would have to suppress her natural testosterone levels (Ingle 2016). As the news began to spread, scholars urged Chand to appeal the disqualification. For example, Payoshni Mitra, a researcher with a doctorate in gender issues, began to work with Chand and developed a statement that was sent to the Athletics Federation of India. In a letter (translated to English) Chand wrote:

I am unable to understand why I am asked to fix my body in a certain way simply for participation as a woman. I was born a woman, reared up as a woman, I identify as a woman and I believe I should be allowed to compete with other women, many of whom are either taller than me or come from more privileged backgrounds, things that most certainly give them an edge over me (Padawer 2016, MM32).

Chand's case against the IAAF was taken to the Court of Arbitration for Sport, and in March 2015, a three-judge panel heard Chand's appeal (Ingle 2016). The IAAF admitted that men's natural testosterone levels were not regulated, and that a threshold limiting natural testosterone in men was not a concern. Witnesses acknowledged that scientific research has identified over 200 biological abnormalities that offer competitive advantages in sport, in turn, clouding the reality of a level playing field in competitive sport (Padawer 2016). The range of potential biological advantages will be discussed in greater detail in Chapter 5; however, what is important to note is that the IAAF believed testosterone differed from other biological advantages because testosterone is the main reason for sex-segregation in sport, therefore justifying the regulation of testosterone levels. The judges ruled that requiring women to alter their bodies to compete was discriminatory, and reversed Chand's suspension until July 2017, with the requirement that the IAAF provide more reputable research on the effects of testosterone on women's athletic abilities or the IOC's policy would be struck down indefinitely. Chand's appeal shed light on the scrutiny and unwarranted policing of the women's category in sport.

In November 2015, the IOC released a new hyperandrogenism consensus statement in response to Chand's case against the IAAF, which included:

Rules should be in place for the protection of women in sport and the promotion of the principles of fair competition. The IAAF, with support from other International Federations, National Olympic Committees and other sports organisations, is encouraged to revert to CAS with arguments and evidence to support the reinstatement of its hyperandrogenism rules. To avoid discrimination, if not eligible for female competition the athlete should be eligible to compete in male competition (IOC 2015, 3).

The IOC claimed that the reinstatement of hyperandrogenism regulations was needed to ensure fair play by monitoring eligibility parameters. However, one could argue that the policies still rely on gender norms by stating that a woman may claim and identify as a woman, but if her testosterone levels are too high, the IOC Medical Commission can declare that she is a man and must compete in the men's category.

In summary, the social implications of sex-verification procedures and hyperandrogenism policies should not be overlooked. The literature reviewed clearly questions the broader messages being relayed about the concern of overly masculine women competing in sport, and how policies reinforce dominant understandings of sex and gender. It appears that the use of sex-verification tests have prevailed throughout history because of continued concerns about “unfair advantage created by men impersonating women, performance enhancing drugs and women with non-normative sex and gender traits” (Karkazis et al. 2012, 6). Due to the sociocultural linkages between men, masculinity, and sport, it is assumed that male athletes are “not in need of policing or protection” (Cohen & Semerjian 2008, 133). The assumption that the women's category needs policing has justified the implementation of sex-verification procedures,

and it has led to overt violations and criticisms of women's bodies in sport (Cohen & Semerjian 2008, 133). The rationale for past sex-verification policies appears to have been that "all men in sport are assumed to be real men [reinforcing that] 'normal women' cannot possibly be that outstanding in athletics" (Kane 1995 as cited in Dworkin & Cooky 2012, 22). The enforcement of hyperandrogenism policies reflects the role aesthetics play in the policing of the women's category (Henne 2014). Ultimately, sport-governing bodies' tendencies to regulate aesthetic differences in the women's sport category have impacted the inclusion of athletes whose appearances deviated from heteronormative gender expectations.

Dworkin and Cooky (2012) contend that sex testing procedures and sex-segregation in sport realms are two entities that cannot be disentangled, and that the practices reveal the sexist undertones that continue to structure, inform and guide sport sex-verification, hyperandrogenism and transgender sport policies. The literature reviewed above discussing the history of sex-verification policies illuminates how sport-governing bodies have relied on various determinants of biological sex and gender, "including external genitalia, internal reproductive organs, hormonal patterns, phenotype, genetic sex, and gender identity" (Sullivan 2011, 412). The trial and error of sex-verification procedures imposed by sport-governing bodies highlights the complexities of sex, gender and eligibility in high-performance sport and exhibits how conflicts arise when we rely on one sole marker of biological sex.

Minimal research on the linkages between sex-verification procedures and the underlying moral components of the Olympic Games was found. The majority of literature reviewed identified the connections between sex-verification and the moral

issue of fair play in the Olympic Games, but did not connect fair play and sex-verification to the ideals of Olympism. This is a gap in the research that I will address in Chapter 5. Ultimately, the pervasive double standards imposed against women in sport through the processes of sex-verification must be calibrated into any holistic and comprehensive discussion about the inclusion of transgender athletes in sport. Although transgender and intersex athletes both present different challenges to the gender-sex paradigm in sport, the issues and concerns are overlapping and policies that target either minority group are interconnected (Buzuvis 2011). Ultimately, research on the policing of the women's category in sport is relevant to the inclusion of transgender athletes because, as the next section of the literature review establishes, the policing of women in sport has continually driven transgender eligibility policy development in the Olympic Games.

2.3 Transgender Inclusion Policies in the Olympic Games

Krane et. al (2012) contend that the difficulties attached to the policing of the women's category and sex verification procedures in sport are heightened for transgender athletes. High profile transgender women athletes, such as Renee Richards, Michelle Dumaresq, Kristen Worley, and Mianne Baggar have challenged the gender binary and eligibility policies for decades (Sullivan 2011, 407). Although transgender athletes as a group have not publically been subjected to nude parades, certificates of femininity, chromosomal or SRY gene tests as a condition of eligibility in sport, transgender athletes are still required to prove they have met a series of eligibility criteria to be permitted to participate in high-performance sport.

In 2003, a pivotal juncture in transgender eligibility in high-performance sport occurred in Stockholm, Sweden, when the IOC Medical Commission drafted a policy that

publically acknowledged the presence of transgender and transsexual athletes (Teetzel 2014). The IOC's acknowledgment of transgender athletes was pivotal because trans (transgender, transsexual and transitioned) individuals represent a population that has been largely marginalized and excluded from sport (Schein & Bauer 2015). On 28 October 2003, the IOC Medical Commission gathered a selective group of gender experts and drafted the *Statement of the Stockholm Consensus on Sex Reassignment in Sports*, frequently referred to as the *Stockholm Consensus* (IOC 2004b). The policy was released in May 2004, in effect for the 2004 Summer Olympic Games in Athens. The *Stockholm Consensus* states:

In October 2003, an ad-hoc committee convened by the IOC Medical Commission met in Stockholm to discuss and issue recommendations on the participation of individuals who have undergone sex ... in sport. The group recommends that individuals undergoing sex reassignment... be eligible for participation in female or male competitions, respectively, under the following conditions:

1. Surgical anatomical changes have been completed, including external genitalia changes and gonadectomy
2. Legal recognition of their assigned sex has been conferred by the appropriate official/ governmental authorities

3. Hormonal therapy appropriate for the assigned sex has been administered in a verifiable manner and for a sufficient length of time to minimize gender-related advantages in sport competitions

4. The IOC Medical Commission decided that eligibility should begin no sooner than two years after gonadectomy.

5. They concurred that every case should be handled individually and confidentially (IOC 2004b, 12.11.03).

In the event that an athlete's eligibility is questioned, the medical team of the involved sporting federation was to "take all appropriate measures to determine the gender of a competitor" (IOC 2004b, 12.11.03). The *Stockholm Consensus* marked the first time that the IOC recognized that there was a growing possibility that athletes may want to compete after transitioning, and although this occurrence may be rare, the policy acknowledged the importance of developing clearer regulations so that they could be prepared for an incident (Castillo 2014). The IOC's attitude about the need to create inclusion policies for transgender athletes was reflected on May 18th, 2004, in a press release by Arne Ljungvist, the former IOC Medical Commission Chairman:

The increasing number of cases of sex reassignment has also come to affect sport. Although individuals who undergo sex reassignment usually have personal problems that make sports competition an unlikely activity for them, there are some for whom participation in sport is important. Thus, the question has been raised whether specific requirements for their participation in sport can be

introduced, and what any such requirements should be (IOC 2004a).

The terminology used to discuss the issue of transgender athletes is troubling because it generalizes and assumes that all transgender people have personal problems. The IOC's Medical Commission narrative exposes the discriminatory undertone that is framing the implementation of this recommendation (Sullivan 2011).

The implementation of the *Stockholm Consensus* was significant, as the eligibility recommendations included in the consensus statement served as template for many other sporting organizations to follow (Sykes 2006, 6). Prior to this statement, most organizations required transgender athletes to compete with members of their biological sex (Buzuvis 2011, 3). According to Sykes (2006), the IOC Medical Commission believed that its decision would increase the visibility of transgender people, and increase opportunities for inclusion while simultaneously providing access to all mental and physical benefits of participation in sport.

Although the *Stockholm Consensus* was a progressive step, because it gave transgender athletes visibility in the Olympic Movement, scholars did not shy away from drawing sharp criticism. Coggon, Hammond and Holm (2008) argued the two-year time condition proposed by the IOC left limited time for transsexual athletes to transition, train, and compete at Athens in 2004, or in Turin in 2006. In addition, other scholars argued that the IOC's policy was too strict, and that the requirement for transgender athletes to undergo SRS was unethical (Gooren & Banck 2004). Coggon, Hammond and Holm (2008) noted that the IOC Medical Commission's assumptions that gonadectomy and hormone therapy affect athletic performance are valid, but the requirement for athletes to undergo SRS was unjustifiable. Coggon, Hammond and Holm proposed

modifications that the IOC should apply to the *Stockholm Consensus* to help eliminate unethical components of the policy these scholars suggest that:

For non-sex affected sports:

1.) Any athlete can participate in their legally recognized gender.

For sex-affected sports, the IOC criteria apply with the following modifications:

1.) While gonadectomy is required, other gender reassignment surgery is not

2.) Any sporting body can, after proper consultation with elite athletes, choose to institute more liberal rules, e.g. by shortening the two-year requirement or even allowing participation for any athlete in his or her legally recognized gender

(2008, 15).

Transgender athletes, such as Molly Cameron and Keelin Godsey, agree with Coggon, Hammond and Holm and explain that ultimately the IOC's requirements for hormone therapy and SRS do not facilitate inclusion; rather, they serve as a barrier to exclude transgender athletes from self-selecting their sex category (Gleaves & Lehrbach 2016).

Sykes argued that the “transnational reach of the IOC, the *Stockholm Consensus* yet again erases all local, economic, cultural, and racial differences in how transsexual athletes have access to sex reassignment surgeries or hormone usage” (2006, 6). The IOC failed to acknowledge how different cultural contexts shape an athlete's accessibility and ability to meet the transgender eligibility requirements (Sykes 2006). Lastly, there was little evidence of any communication or direct input from transgender athletes or activists in the formation of the IOC policies (Sykes 2006). Griffin's (2012) work highlights the importance of open dialogue in sport and asserts that failing to consider the opinions of

marginalized groups in policy-making decisions that affect marginalized populations only distances sport from achieving inclusivity.

In summary, the 2003 *Stockholm Consensus* shed light on the IOC's continued fixation and policing of the women's category in sport. The IOC Medical Commission's recommendations expressed minimal concern about transgender men competing in high-performance sport. The lack of attention to transgender male athletes reveals what Sullivan (2011) frames as the IOC's unrelenting bias on perceived female inferiority in sport. An observed gap in the research literature and the IOC policy recommendations is the lack of concern for the value of inclusivity in sport. The IOC justifies the implementation of the *Stockholm Consensus* stating that policy amendments were necessary steps to remain on par with the suggested medical professionals' advice and to promote fair play (Coggon, Hammond & Holm 2008). The mention of fair play is consistent, but the observed lack of concern for values such as inclusivity or diversity is apparent. Subsequent chapters of thesis attempt to acknowledge this gap in research and connect the values of Olympism to the inclusion of transgender athletes in high-performance sport.

In November 2015, the IOC published the *IOC Transgender Guidelines*, in the form of a consensus meeting on sex reassignment and hyperandrogenism (IOC 2015). The new statement was intended to serve as a guideline for other sport-governing bodies (Associated Press 2016). The amendments made to the 2003 *Stockholm Consensus* were attributed to the growing recognition and understanding of gender identity in society (IOC 2015). The new recommendations recognized the importance of transgender inclusion in sport, but reaffirmed that "the overriding sporting objective is and remains

the guarantee of fair competition” (IOC 2015, 3.1.D). The IOC Medical Commission proposed the following changes and clarifications of the 2003 Stockholm Consensus:

1. To require surgical anatomical changes as a pre-condition to participation is not necessary to preserve fair competition and may be inconsistent with developing legislation and notions of human rights.
2. Nothing in these guidelines is intended to undermine in any way the requirement to comply with the World Anti-Doping Code and the WADA International Standards.
3. These guidelines are a living document and will be subject to review in light of any scientific or medical developments (IOC 2015, 2.1).

In this spirit, the 2015 update proposed that the above three guidelines be taken into account by sport-governing bodies when assessing the eligibility of transgender athletes. As a result of the policy changes, male transgender athletes are eligible to compete in the men’s sex category without any restrictions. Female transgender athletes are eligible to compete in the women’s sex category as long as they comply with the following two conditions. Firstly, transgender female athletes must have declared that their gender identity is female, and must maintain the same gender identity for a minimum of four years. Secondly transgender female athletes must maintain a total testosterone level in serum is below 10 nmol/L for at least 12 months prior to her first competition and must remain below 10 nmol/L throughout the entirety of their participation in the female sex category (IOC 2015, 2). Female transgender athletes will continually be monitored and, in the event of a violation, will be suspended for 12 months (IOC 2015, 2).

In short, the Canadian Centre for Ethics in Sport (CCES) suggests that the

removal of mandatory SRS was important because it was a contradiction of international human rights law (CCES 2016). The CCES believes that the alterations to hormone therapy regulations were equally important because the precondition lacked scientific evidence proving that two years were required to sustain physiological changes (CCES 2016). Ultimately, the CCES contends, amendments made to transgender inclusion policies in the Olympic Games speak to growing societal awareness and research of transgender issues in both social and scientific realms. The IOC's mention of the new policies reflecting the need for transgender inclusion is noteworthy, as it reveals that the IOC is becoming more aware of the importance of equal accessibility and opportunities in sport (IOC 2015, 2.1).

The IOC's policies present a contingent form of inclusion, based on strict physiological regulations. Inclusion policies that determine whether and how athletes may participate only reinforce a sport organization that unfairly privileges some athletes while excluding others (Gleaves & Lehrbach 2016, 312). Karkazis et al. (2012) propose that inclusion policies reliant on physiological equality do not result in ideal outcomes. Historically, both transgender and intersex athletes have been restricted by procedures and regulations that determined and monitored their eligibility. Gleaves and Lehrbach (2016) believe that the strict patrolling of transgender athletes is likely the main contributor to why no openly transgender athletes have yet competed at an Olympic Games, even after more than a decade after the *Stockholm Consensus*.

This literature reviewed illuminates the importance of how inclusion policies are “written, implemented, protested, and mediated” (Sullivan 2011, 415). It appears that inclusion policies are an attempt to preserve the gender binary sport structure, reinforce

gender norms and preserve fair play. Another common theme in the literature is the prevailing belief that men are willing to pose fraudulently as women to gain athletic advantage in competitive sport. The most recent amendments to the *Stockholm Consensus* reflect the same fears that have historically plagued sex-verification policies. Athletes who have declared that their gender identity is female cannot change their identity, for sporting purposes, for a minimum of four years. Lucas-Carr and Krane (2011) assert that sport-governing bodies should stop undermining the transition procedures by vocalising fears about men trolling as women. Transition procedures are expensive, emotionally draining and extremely painful, and as long as the IOC continues to police the women's category, through sex-segregation, sex-verification and transgender inclusion policies, sport policy will continue to be shaped by false fear-induced narratives (Lucas-Carr & Krane 2011, 538).

A common theme observed in the literature is the continued emphasis of the perceived relationship between fair play and testosterone. Hyperandrogenism and transgender policies in sport continually enforce strict regulations on testosterone levels in order to accommodate fair play concerns. As stated by the IOC, "the overriding sporting objective is and remains the guarantee of fair competition" (2015, 2). The literature reviewed reveals that the myth that hormone therapy produces the same physiological advantages as doping still grips sport. The lack of knowledge about the competitive adeptness of transgender athletes showcases why the inclusion of transgender athletes remains a contentious issue that still requires attention. In Chapter 5, I discuss what is known about the effects of testosterone in men and women, and testosterone's role in competitive advantage in sport. I apply my knowledge of competitive advantage

and notions of fairness, to assess whether the guarantee of fair competition is possible, and whether the inclusion of transgender athletes breaches fairness ideals. As previously stated, there is a gap in research connecting Olympic Values and Olympism to the issue of transgender inclusion in sport. In Chapter 5, I link the inclusion of transgender athletes to the moral underpinnings of Olympism to evaluate whether inclusion of transgender athletes should also hinge on moral grounds. I determine whether the overriding sporting objective of the Olympic Movement should be fair play, and assess the moral acceptability of transgender participation in the Olympic Games.

2.4 Other Notable and Influential Transgender Inclusion Policy Practices in High-Performance Sport

The CCES handbook exhibits that there is a diverse range of policies regulating the eligibility of transgender athletes across the world by highlighting that some policies are more inclusive than others (CCES 2016). In 2011, the National Collegiate Athletics Association (NCAA) developed a handbook, *NCAA Inclusion of Transgender Student-Athletes*, outlining policies and best practices for allowing transgender athletes to compete at the collegiate level (Castillo 2014). The *NCAA Inclusion of Transgender Student-Athletes* directly challenged the validity of some policies outlined in the 2003 *Stockholm Consensus*. The NCAA allowed MTF transgender athletes to compete on women's teams if they were undergoing hormone treatment (NCAA 2011). Unlike the IOC, the NCAA does not require transgender athletes to undergo Secondary Sex Reassignment (SRS) nor does it require legal recognition of the athlete's transitioned biological sex (Buzuvis 2011). Additionally, the NCAA required that transgender athletes complete only one year of hormone treatment prior to competing, as opposed to

the two-year minimum requirement outlined in the 2003 *Stockholm Consensus* (NCAA 2011). The NCAA based its adjustments on scientific research evidencing that “one-year of testosterone suppression decreases an individual’s muscle mass and puts that individual in the spectrum of physical traits of their transitioned gender” (Buzuvis 2011, 27). A one-year waiting period considered the time constraints of competing at the collegiate level, given that the average student is enrolled in school for four years (NCAA 2011). With this policy, the NCAA acknowledged the presence of athletes who possess female biological sex characteristics but may identify as being male (NCAA 2011). The NCAA policy allowed for this category of athletes to compete in the women’s category, despite identifying as male, as long as they were not undergoing hormone treatment (Mahoney et al. 2015). This policy protected athletes who had devoted their lives to women’s sport, and ensured that these “athletes will not be excluded from their sport of ‘origin’ just because they transition socially by expressing a male gender identity (Buzuvis 2011, 28).

Buzuvis (2011) adds that while the *NCAA Inclusion of Transgender Student-Athletes* handbook was more inclusive than the IOC’s 2003 Stockholm Consensus, transgender men were still excluded from sport unless they had undergone hormone treatment for a least one year. Buzuvis contends that hormone treatment is expensive, especially for college athletes, and that medical treatment could compromise fertility or expose transgender male athletes to health risks.

Ultimately, the NCAA policy was a positive step because it made an informed attempt to debunk two myths that informed the 2003 Stockholm Consensus policies: (1) the fear of men posing as women in sport, and (2) the perceived male advantage over

women in sport (Castillo 2014). The organization acknowledged that in its 40 years of performing sex-verification tests, not once was an imposter caught posing as a woman in sport (NCAA 2011). In regards to perceived male advantage in sport, the NCAA's policy states: "A [transgender female athlete] may be small and slight, even if she is not on hormone blockers or taking estrogen. ... The assumption that all male-bodied people are taller, stronger, and more highly skilled in a sport than all female-bodied people is not accurate" (2011, 7). This statement was significant because it publically challenged the assumptions that have historically bolstered the formation of sport policies on sex-segregation, sex-verification and the 2003 *Stockholm Consensus*.

Given the observed complexities involved in the development of transgender sport policy, the Canadian Centre of Ethics in Sport (CCES) developed guidelines of how to implement inclusive sport practices and eligibility policies at all levels of sport. The CCES guidelines state, "just as each athlete has the right to make their own personal decisions about where they compete, so too will each trans athlete" (2016, 25). The Expert Working Group formed by the CCES to develop inclusion practices and recommendations covers four major issues and is condensed in the CCES (2016) guidebook in the following brief summary. The CCES guidebook (2016) showcases that individuals who are "participating in developmental and recreational sport (that is any level affected by international federation rules)" should be able to self-select gender and compete in the category with which they identify (2016, 26). Individuals should not have to disclose personal information, nor should they undergo hormonal therapy or sex-reassignment surgery (SRS). Secondly, hormone therapy should not be a prerequisite for transgender athletes competing in high-performance sport as there is not enough

scientific evidence connecting endogenous hormone levels and competitive advantage. Athletes should be able to compete in the sex-category that they identify most with without undergoing hormone therapy, unless a sporting organization can provide substantial evidence that hormone therapy contributes to an unfair competitive advantage in their chosen sport. In addition, transgender athletes should be able to maintain their privacy and should not be required to disclose their transgender history, unless a sporting organization can provide justifiable reasons for them to do so. Lastly, SRS or any other surgical intervention should not be required of transgender athletes to participate in high-performance sport for the following reasons, some individuals may not want to undergo surgery, surgery is expensive, invasive and risky, and in many cases surgery results in sterilization (CCES 2016). The CCES guidelines place the onus of responsibility on the sport organizations. If a sport can demonstrate a consistent advantage obtained by athletes undergoing hormone therapy, or a justifiable reason for athletes to undergo SRS, then the CCES is willing to modify its regulations; however, “the onus of proof rests entirely with the sporting organization” (CCES 2016, 21).

Similar to the NCAA, the CCES is not ignorant to the fact that “there is a persistent ingrained assumption” in sport that all biologically male athletes have a competitive advantage over individuals biologically female athletes, “that is, that men are generally faster, stronger and better at sport than women), on average males possess a 10-12% competitive advantage over women” (2016, 19). However, the Expert Working Group maintains a progressive stance on the transgender inclusion issue. Members of the working group appear to believe that transgender female athletes who grew up biologically male and who do not undergo hormonal treatment may be at a competitive

advantage when competing in elite sport. Nonetheless, it is recognized that transgender female athletes “are not males who became females; rather these are people who have always been psychologically female but whose anatomy and physiology, for reasons as yet unexplained have manifested as male” (CCES 2016, 20). The Expert Working Group draws parallels to Dutee Chand’s case and argues that a woman may not be deemed “ineligible to compete due to intrinsic factors that are beyond their control” (CCES 2016, 20). Therefore, the CCES guidebook is progressive in that it recognizes and honours that transgender athletes who breach traditional eligibility clauses are not at fault, and that being transgender is intrinsic and beyond conscious control. The CCES removes the shame and stigma attached to transgender athlete participation by encouraging sport-governing bodies to be proactive, inclusive and held accountable for their actions and policy-based decisions. The CCES Expert Working Group (2016) urges all Canadian sport organizations to develop clear and realistic eligibility policies in order to ensure that their actions are aligned with the needs of all athletes. The CCES set the bar on transgender eligibility and hopes that its views and policies will cascade into the international sport level, coaxing other big players to commit to the importance of inclusive and evidence-informed policies.

Besides the recent developments within the CCES and the NCAA, there are few official handbooks guiding sport administrators on how to create transgender inclusion practices or policies that also maintain fair competition. A ‘one-size-fits-all policy,’ that can be applied to all sport organizations, does not currently exist. This fact may be in part to the difficulty and complexities of navigating a structure that includes 205 varying nations with widespread cultural beliefs, values and understandings. Although sport

administrators may not have a clear-cut answer on how to develop inclusive and fair policy, more recent literature, such as the CCES (2016) and Gleaves and Lehrbach (2016), argue that it is not an athlete's responsibility to challenge or develop sport policies that reflect their social position. It is up to sport organizations to ensure that their policies are inclusive, informed, and relevant. In order to ensure that sport is accessible, sport organizations must place the onus of responsibility on themselves (and not the athlete) to develop policies that address all individuals and stakeholders that are extensions of their sport. Many sporting organizations seem to have turned a blind eye in hopes of never needing to develop policies that acknowledge the participation of transgender athletes, while other sport organizations, such as the IOC, may acknowledge the presence of transgender athletes, but have not yet had to implement their inclusion policies.

Griffin (2012) concludes that every significant social injustice movement is working with power imbalances and that society cannot effectively advocate for human rights until individuals make an effort to understand the experience of gender variant athletes in sport. Similarly, if we apply Griffin's (2012) work to the specific case of the Olympic Games, it reveals that effective advocacy can be achieved when all members of the Olympic family take time to embrace the diversity of the Olympic movement and owning the differences in privilege, power and visibility, and make a conscious effort to eliminate and defend against acts of racism, sexism, homophobia and transphobia in sport (Griffin 2012). The CCES (2016) adds that awareness and education are essential in creating an inclusive and informed sporting environment. I believe that as society's understanding of transgender issues grow, sport-governing bodies must continue to

engage in proactive advocacy so that sport organizations can create an inclusive space in which every stakeholder can be authentic in their sport. In Chapter 5 and 6, I focus on the IOC's role and responsibility of promoting inclusive sport in the global sport sphere. I hone in on the importance of the IOC using its platform to highlight how inclusion-first based policies will simultaneously align with the overall aims and goals of the Olympic Movement

Chapter 3: Methods and Methodology

3.1 Methodology

Ethics is a branch of philosophy that attempts to determine what is right and wrong, and what ought and ought not to be done. In other words, ethics is about exploring how we should live or what makes for good living (Kretchmar & Torres 2013). In contemporary society, people tend to throw the concept of fairness around loosely. For instance, society is quick to judge what is fair and unfair, without really having a deep understanding of what fairness is and entails. In this chapter, I conceptualize the ideas of sport, fairness, cheating and Olympism. The conceptual clarification of terms is important because clarifying relevant concepts provides foundational understanding of ideas that are integral to my research question.

Clarifying ideas of fairness, cheating and Olympism facilitates a discussion about the normative ethics of transgender athlete inclusion in the Olympic Games. Normative theories seek to uncover what kinds of actions are morally acceptable or unacceptable. This branch of ethics analyzes what a morally responsible person “ought to do” and then provides guidelines for determining appropriate moral action (Kretchmar & Torres 2013, 155). Critical reflection, therefore, provides a starting point to develop a comprehensive normative argument about the fairness of transgender athletes competing in the Olympic Games. I rely on the realm of metaphysics to first determine what sport is, and then on normative ethics to critically reflect on whether transgender athletes are cheating, possess unfair competitive advantages, and, in turn, breach fairness ideals in Olympic sport. Critical reflection paves the way to develop a deeper understanding of fairness in sport and sheds light on the extent to which the Olympic Games are fair.

My critical reflection is first guided by the conceptualization of sport, fairness and cheating in sport, I then address the moral underpinning of the Olympic Games by examining the *Olympic Charter*, Olympic Fundamental Principles and the moral philosophy of Olympism. Next I apply conceptual understandings of Olympism and the Olympic values to the case of transgender athletes competing in the Olympic Games to assess whether the inclusion of transgender athletes in the Olympic Games exemplifies principles that are consistent with Olympism and the values of the Olympic Movement. I explore whether the International Olympic Committee (IOC) should rank the importance of values like fairness and inclusion and, if so, how ought the IOC prioritize values in Olympic sport to best reflect the mission of Olympism. This is an effective approach to assess the ethical issue of balancing the values of inclusion and fairness in sport, and is a powerful tool to test the “practical adequacy” of Olympism (Parry 1998, 16).

In order to more accurately judge the ethical issue of transgender inclusion through the values of Olympism, I apply the theoretical perspective of intersubjectivity. Intersubjectivity commits this analysis to the moral approach and understanding of Olympism. I interpret Olympism as a blend of culture, sport and education that uses sport as a vehicle to foster moral development and mutual understanding in attempts to unite the world. As elucidated in the next section, the parallels between Olympism and intersubjectivity justify the application of intersubjectivity as a lens to analyze the inclusion of transgender athletes in the Olympic Games and informs my attempt to resolve the ethical issues and moral dilemmas at stake. A more detailed application of intersubjectivity to the case of the inclusion of transgender athletes is made in section 5.1.

According to Edmund Husserl, a renowned German philosopher, the theory of intersubjectivity can be simplified to the belief that “a sense of others is a necessary component of almost all of our experience; it is in the terms of our relationships with others within the social world that we come to know ourselves and others” (McLaughlin & Torres, 2012, 108). McLaughlin and Torres elaborate on this thought by establishing that the meaning we associate with experiences is always already intersubjective; because “there is no pure subjectivity for “I” am always already being in the world, influenced by others, and negotiating meanings with others” (2012, 109). In other words, it is through our interactions and relationships with each other that we uncover knowledge and understanding of ourselves.

McLaughlin and Torres (2014) elucidate two central features of intersubjectivity or relevance to the ideology of Olympism. The first is that “sport is a social practice” (McLaughlin & Torres 2014, 354). The interpretation of sport as social practice and constitution is actualized in Kretchmar’s (1975) development of ‘testing families’. Testing families are an association of members characterized by their shared interest, value and concerns for the practice of sport (McLaughlin & Torres 2014, 355). The social requirement of sport is not solely characterized by “a collection of social interactions” but is dependent on the shared concern of testing family members (McLaughlin & Torres 2014, 355).

The second feature of intersubjectivity that overlaps with Olympism is that “moral claims originate from and answer to the constitutive members of this social practice” (McLaughlin & Torres 2014, 354). As previously stated, shared concern is an important premise in developing social relationships in sport. The recognition that

members of the Olympic family share interests is also an acknowledgment of “how strong moral claims are imposed through participation in that community” (McLaughlin & Torres 2014, 354). All members of the Olympic family foster social relations that contribute to interpretations of the Olympic Movement and the meaning associated with the Olympic Games. Competitive sport, in this case, is the main medium, and serves as a universal language that allows people to recognize their intersubjective nature and negotiate values. Intersubjectivity characterizes the social relations developed within a testing family and gives meaning and understanding to human interaction in sport. Furthermore, intersubjectivity allows us to not only understand sport competition, and the Olympic Movement more completely but also to understand ourselves as relational beings. McLaughlin and Torres (2014) summarize that interpreting Olympism with an intersubjective moral perspective is beneficial when assessing moral claims of testing members for several reasons. Intersubjectivity lays groundwork to identify ways for competing claims to be genuinely recognized by all constitutive members of the Olympic Movement (McLaughlin & Torres 2014). Intersubjectivity can also “distinguish compelling moral justifications from those that do not hold up to intersubjective scrutiny” (McLaughlin & Torres 2014, 353). Finally, intersubjectivity offers a basis for determining policies, actions and beliefs that align or contradict Olympism (McLaughlin & Torres 2014).

In regards to the Olympic Games, specifically, the International Olympic Committee (IOC) is an institution that aims to protect the shared interests and concerns of Olympic testing family. The IOC identifies as the Olympic testing family as a community whose main contributors are the following: “IOC members, representatives of National

Olympic Committee (NOCs), International Federations (IFs), the Organizing Committees of the Olympic Games (OCOGS), athletes, coaches, media, sponsors and other stakeholders” (IOC 2016, 11). The IOC welcomes all Olympic family members that are willing to participate in accordance with the Fundamental Principles, outlined in the *Olympic Charter*. The IOC’s protection of the *Olympic Charter* ensures that testing members continue to share the same interests, concerns and appreciation of the Olympic Movement as other Olympic testing family members.

The possibility for intersubjective relations is magnified in the relations of the Olympic athletes testing family. Olympic athletes are integral members of the Olympic testing family and communally share interests, appreciation and concerns about the practice of their Olympic sport. Kretchmar (1975) argues that a core feature of testing families in competitive sport is the ability of one tester to recognize that the other tester is partaking in the same contest as oneself. In Olympic sport competition, testing members attempt to determine their athletic abilities and successes in comparison to one another through their efforts in the same athletic contests (Kretchmar 1975). Olympic athlete testing members are inextricably bound by their mutual and cooperative concern for the preservation of the sport that they find special, while also competing to achieve the most superior athletic performance. In other words, they are mutually dependent in their quest for athletic excellence in the sport that they value and require commitment from one another to challenge and push members to achieve excellence in that sport. What testing family “[members] share is more powerful than what separates them, as members of their testing families, the will to win is dependent on and expresses their mutual concern of their sport” (Torres 2011, 6). Sport competition requires testing members to confront and

recognize their mutual dependency on one another, and in turn, illuminates intersubjective facets of competitive sport. Ultimately, the interactional dependency between Olympic testing members showcases why the Olympic Games are a good avenue for examining social realities.

Applying intersubjectivity as a moral approach to Olympism should help clarify whether the inclusion of transgender athletes in the Olympic Games propels the overall moral platform of the Olympic movement. For Husserl (1988) self-actualization and our understanding of humanity is grounded in intersubjective experience (cited in McLaughlin & Torres 2011a, 61). Negotiating conflicting views and ideas allows space for “reciprocal understanding that establishes and validates what is ‘normal’ through our ‘intersubjective unity’” (McLaughlin & Torres 2011b, 273). Intersubjectivity is a valuable approach to understanding transgender inclusion because it can serve to bridge reconciled and overlapping interests by forcing members of the Olympic testing family to confront their beliefs and values through dialogical opportunities and critical reflection (McLaughlin & Torres 2014). The hope is that negotiating multifaceted issues from an intersubjective standpoint could spark the realization that Olympic Family members are relational. This analysis simplifies the moral issues at stake in hopes of illuminating best sport policy practices that are consistent with the aims of the Fundamental Principles and elevates the moral platform of the Olympic Movement. It is my hope that with the tenets of intersubjectivity a more inclusive and holistic conceptualization of Olympism is possible.

When addressing moral issues, from an intersubjective perspective, I also use the basis of universality as a guiding perspective to assess how to create sport policies and

practices that are morally acceptable. The basis of universality is useful because the moral point of view is universal. On the basis of universality, “we would not want to be the recipient of [morally indefensible] actions, and because no one counts as more important than anybody else” it would not be right to break and bend rules that deliberately tarnish the integrity of sport (Kretchmar & Torres 2013, 157). In order to address my research question comprehensively I consider what is good for Olympic sport and the interests of stakeholders of the Olympic Games. The goal is to produce the best possible world of Olympic sport for everyone (Kretchmar & Torres 2013). The application of universality sharpens my analysis on the moral acceptability of transgender athlete inclusion in Olympics by simplifying the moral issues at stake to discover what is best for the interests of everybody involved.

3.2 Limitations

The new International Olympic Committee (IOC) transgender inclusion policy, released in 2015, has yet to be publically tested by a transgender participant. It is difficult to assess the morality of Olympic systems and governance when the IOC has not yet had to act in accordance with its policy. The lack of policy activation presents a limitation to my research.

Considering that transgender athletes are a minority, and a vulnerable sector of the population, also limits academic research and understanding of transgender athletes’ experiences in sport. Transgender athletes’ association of unsafe feelings with athletics environments has long limited transgender visibility in sport (Hutton 2015). The recognition that few transgender voices have been heard in sport, and that the research I

reviewed in Chapter 3 is not always informed by transgender experience or opinion, is a limitation that prevents a comprehensive understanding of transgender inclusion in sport.

Another limitation is the lack of cultural variability in the literature and research I reviewed. Research from the Western world, more specifically North America, is overrepresented in my study. The lack of varying cultural viewpoints on the issue of transgender inclusion in the Olympic Games limits my ability to gain a holistic and culturally pluralist understanding of a global issue. The Olympic movement seeks to celebrate global diversity and humanity and the lack of research surveyed in worlds outside of my own shunts the reach of my objectives and research question.

3.3 Chapter Layout

In the following chapters, I apply the theory of intersubjectivity to address my research question and objectives, in order to analyze the moral acceptability of transgender athletes' inclusion in the Olympic Games. In Chapter 4, I conceptualize ideas that are central to accomplishing the research objectives and question. Using Rawls' (1999) theory of justice and Loland's (2002) interpretation of distributive justice, I explore notions of fairness in Olympic sport. I use my understandings gained from conceptualizing fairness and look further to examine what sport is (Suits 1991) and what actions qualify as cheating in sport. I then utilize Loland's theories on justice and fairness to analyze competitive advantage in sport. Analyzing determinants of athletic advantage clarifies how 'natural' and 'artificial' advantages contribute to overall athletic performance. Finally, I examine the moral philosophy of Olympism, and highlight how the moral underpinnings of Olympic sport provide a foundational basis for the aims and

mission of the Olympic Movement. Chapter 4 elucidates the connection between values of fairness, and inclusion in Olympism and how the conceptualization of important terms will serve as a baseline for answering my research question.

In Chapter 5, I apply the theoretical perspective of intersubjectivity and the moral philosophy of Olympism to transgender athletes' inclusion in sport. I draw parallels between both philosophies and showcase how an intersubjective theoretical perspective can be used to clarify the overall moral platform of the Olympic movement. I identify the ethical and moral dilemmas involved in transgender inclusion by addressing how transgender participation in high-performance sport is perceived as a conflict of the Olympic values of fairness and anti-discrimination. I present both perceived and actual competitive advantages of transgender athletes and then apply my knowledge about the determinants of athletic advantage to the case of transgender athletes. I examine how level the playing field really is by providing comparable examples. I then draw parallels and comparisons to examine how issues of fairness have been perceived and handled by the Olympic stakeholders in the past.

To develop a concrete perspective on transgender athlete inclusion, I assess the potential consequences of including transgender athletes in the Olympic Games. I then apply the conceptualizations of fairness and Olympism presented in Chapter 4 to determine whether transgender athlete inclusion is fair, and in alignment with Olympism. Based on my findings, I recommend what I think is the morally right thing to do and what best serves the interest of the Olympic Movement, its members and transgender athletes.

Finally, Chapter 6 summarizes and draws conclusions from this research. I outline future steps and directions for the IOC and Olympic Games stakeholders. In this final

chapter, I highlight how to promote inclusivity at the elite performance level and list general recommendations that will help the IOC align its actions with the moral aims of the Olympic Games, and in turn, strengthen the Olympic movement. I also discuss the need for future studies and steps that would be beneficial to this field of research by illuminating gaps that must be addressed through research.

Chapter 4: Concepts of Fairness and Olympism

Embedded in notions of fairness in sex-segregated sport is the assumption that men possess a competitive advantage over women (Sullivan 2011). As outlined in Chapter 2, one contentious area of research that has been recently challenged is the enforcement of sex-segregated categories and sex-verification by sport governing bodies to police fairness in sport. The requirement for sport-governing bodies to define what characterizes a woman or a man has produced a rigid gender binary that does not accommodate for gender fluidity in sport. Thus, popular belief is that the inclusion of transgender athletes in the Olympic Games would be unfair has historically barricaded and justified the exclusion of transgender athletes in high-performance sport. In reality, fairness is a difficult concept to define, and may be interpreted in various ways. Loland suggests that in order to properly grasp the ideas of fairness we must first consider the “moral requirement to follow a common interpretation of a set of rules” (2000, 158). Therefore, prior to diving into the complexities of fairness in sport, I will provide an understanding of what characteristics define sport, and what attitudes and actions are necessary in order for sport to operate fairly. I then explore the concept of cheating as a form of unfairness in sport. Understanding the concepts of fairness and cheating in sport will help determine what actions can be labelled as cheating and will illuminate whether the inclusion of transgender athletes qualifies as a form of cheating in sport. I utilize Loland’s and Rawls’ theories on justice and fairness to analyze competitive advantages in sport. Understanding determinants of competitive advantages in sport will help clarify whether transgender athletes possess unfair competitive advantages in the Olympic Games. Finally, I examine the moral philosophy of Olympism, and highlight how the

moral underpinnings of Olympic sport provide a foundational basis for the aims and mission of the Olympic Movement. Understanding Olympism and the overall Olympic Movement will help determine whether the inclusion of transgender athletes aligns or contradicts with the goals of Olympism. Ultimately, this chapter clarifies and connects the concepts of sport, cheating, fairness, competitive advantage and Olympism and facilitates clear lines of communication when applying these concepts to the inclusion of transgender athletes in the Olympic Games.

4.1 Sport

Meier (1988) borrows and builds on Suits' (1967) description of a game and characterizes sport as requiring the following components:

1. Goal-directed activity
2. Rules [can be constitutive or regulative] and must limit the permissible means of goal attainment
3. Rules prohibit more efficient in favour of less efficient means
4. Rules are accepted to make the activity possible
5. The demonstration of physical skill and prowess (Meier 1988, 26).

Moreover, Suits argues, “in anything but a game the gratuitous introduction of unnecessary obstacles to the achievement of an end is regarded as decidedly irrational thing to do, whereas in games it appears to be an absolutely essential thing to do” (1991, 42). The gratuitous logic gives a game purpose, and gives meaning to an athlete's devotion to developing skill and excelling in sport (McLaughlin & Torres 2012). Sport serves as an outlet and a platform for the Olympic Movement because the pursuit of

excellence is in itself a demonstration of caring deeply about the values embedded in the practice and the competitors that make the practice possible (McLaughlin & Torres 2012).

4.2 Fairness, Fair Play, Cheating and Competitive Advantages

Fairness is a moral norm and virtue in sport, and it is a concept examined by several sport philosophers (Loland 2002). According to some researchers, notions of fair play can be traced back to the Ancient Olympic Games, in Greece, where competitors honoured their gods by demonstrating fair play and adhering to the rules of the competition (Weaving 2006). Over time, the concept of fairness has evolved as a “standard reference for morally right and good behaviour in competitions” (Loland 2002, 12) and continues to be an integral component of sport. Moreover, equality amongst athletes has been a long-standing defining characteristic of sport, and without fairness “none of sport’s internal goods can come to fruition” (Gleaves & Lehrbach 2016, 315). However, we are quick to judge what is unfair, without really fostering a deep understanding of what is fair. This fact is expressed by Sheridan:

The notion of ‘fair play’ is generally understood to be important in sport and in life yet it is not clear what precisely it refers to, why it is valued, what ethical principles, if any, it is grounded upon and what kind of good it involves (2003, 163).

I refer to fairness as a broad philosophical ideal, and fair play as the application of fairness in sport. Fair play is an attitude that manifests itself in the behaviour of contestants. It is difficult to understand fair play without linking it to the broader

philosophical understandings and moral values of fairness and justice. Considering the scope of this thesis and the complexity of conceptualizing fairness and fair play in sport, I will only provide theoretical interpretations of fairness and fair play that I believe to be relevant to the inclusion of transgender athletes in the Olympics. Conceptualizing fairness can clarify how the term is being utilized in this thesis and will help assess whether the inclusion of transgender athletes contradicts fair play in the Olympic Games and creates unacceptable inequalities amongst competitors.

As expressed in Suits' (1967) characterization of a game, fair play requires athletes to accept the interests of sport over self-interest. Respecting the interest of the game means to honour the regulations and obstacles that make sport possible. Honouring the interests of sport over self-interest gives participants access to the internal goods and intrinsic value that sport offers (Butcher & Schneider 2007, 13). Butcher and Schneider claim that the intrinsic value of sport is experienced in sport when "experiences [in sport]... are enjoyable and worthwhile" (2007, 130). The intrinsic value of sport is linked to moral goods obtained through sport participation, such as achievement through the pursuit of excellence. The 'goods' or benefits obtained from participating in sport are therefore intrinsic as opposed to instrumental (Waddell 2017).

To say that a competitor is breaking the rules could imply two things: (1) that the competitor has broken the rules that regulate the sport, and has unintentionally gained an advantage over competitors, or (2) that a competitor has deliberately broken the rules to surreptitiously gain an unfair advantage over competitors (Jonsson 2007). I believe that the latter example of rule breaking in sport could also be defined as cheating.

Competitors follow the rules of the sport "not simply because they are the rules but rather

because they are the foundations of the artificial problem you find special” (Kretchmar & Torres 2013, 158). Therefore, accepting the rules of the social practice that you find unique to then break them does not make sense. If competitors cheat, then they are placing their own interests above the interests of the game being played, by achieving the goal through more efficient means. Although Jonsson (2007) makes a valid point, his focus is strictly on the deliberate and unintentional violation of rules.

Leaman (1981) contends that fair play cannot solely be assessed by the rules and regulations of the game being played and that there are many actions that extend beyond the rules that could be labeled as incongruent with fair play. Lehman (1981) argues that violations of sport regulations are an important determinant of fair play; however, he notes we must look beyond just the rules to examine what actions are unfair or could be labeled as cheating. Leaman acknowledges that cheating can vary in severity. When athletes unintentionally violate the regulations, they do not ruin the game being played, yet athletes who deliberately and surreptitiously break the rules to gain advantages are not playing the game at all (Leaman 1981). Of main concern “to the concept and severity of cheating are the motivations of the athlete(s) involved” (Waddell 2017, 47). A cheater’s deliberate attempt to side step the parameters of sport to gain an unfair advantage taints the intrinsic goods of sport. Ultimately, cheating means that intrinsic goods of sport “would no longer be accessible to the cheater, and perhaps other participants as well” (Waddell 2017, 47). Cheating is morally unjustifiable because it alters the sport being played, deceives opponents who have accepted the rules, and tarnishes the validity of the results and overall integrity of the sport. Therefore, competitors who comply with a set of rules in sport, and then deliberately break them to

gain unfair advantage are “offenders against the integrity of their sport” (Waddell 2017, 47).

The literature reviewed in Chapter 2 revealed that the myth that hormone therapy produces the same physiological advantages as doping still grips sport. Dopers are often labeled as cheaters. The competitive advantage obtained through doping is perceived as unfair and a form of cheating because it deceives opponents, and is against the regulations and integrity of the sport that they find unique and special (Behrensen 2013). The general consensus against doping is the belief that performance-enhancing drugs (PEDs) enables an athlete to use of more efficient means to achieve the goal and therefore contradicts the lusory attitude that sport depends on. Analysis of the justifiability of doping and PEDS in sport is vast (Behrensen 2013). Defining what constitutes doping or PED use is beyond the scope of this thesis. However, I examine whether transgender athletes possess unfair advantages that are similar to doping, and are, therefore, cheating in sport. In Chapter 5, I apply theoretical interpretations of cheating and fairness to determine whether transgender athletes are cheating in high-performance sport. I discuss what is known about the effects of testosterone in men and women, and testosterone’s role in competitive advantage in sport to assess whether the guarantee of fair competition is possible, and whether the inclusion of transgender athletes breaches fairness ideals or not

Rawls’ (1999) theory of justice as fairness envisions an egalitarian economic society where each member possesses equal rights. His exploration of fairness suggests that when faced with a conflict of fairness, one should place oneself in the ‘original position’ to identify unbiased and morally just actions. Rawls theorized that by placing

oneself in the ‘original position’ one is behind a veil of ignorance. Behind this veil of ignorance one becomes unaware of one’s own socioeconomic status, sex, race, skills, or abilities and is, in turn, capable of identifying just and equal options that are not necessarily swayed towards self-interested outcomes. Under these conditions, he contends that people would select two principles of justice to structure society in the real world: “one that guarantees liberty and one that restricts inequalities to those who are most in need and would benefit the most from unequal treatment” (Teetzel 2014, 118).

Drawing on Rawls’ work, Loland (2002) provides an Aristotelian-based theory of distributive justice that serves as a reasonable starting point to assess justifiable inequalities and unequal treatment in sport. Loland describes three norms of Aristotle’s theory: “Equal cases ought to be treated equally, cases that are relevantly unequal can be treated unequally, and unequal treatment ought to stand in reasonable accordance to the actual inequality between cases” (2002, 43).

The first norm of distributive justice, that equal cases ought to be treated equally, addresses the need to eliminate and compensate for “other non-relevant kinds of inequalities,” so that all participants to have the equal opportunity to perform (Loland 2007, 82). The elimination of all inequalities is at times challenging. For example, sport-governing bodies cannot control all external conditions, such as a sudden gust of wind that pushes a long jumper further forward, or system inequalities that give only some athletes access to performing enhancing equipment. Sport-governing bodies try to eliminate and compensate for any irrelevant inequalities that they can control, but the classification of acceptable and unacceptable, or fair and unfair, inequalities in the development of athletic skills and abilities is still foggy (Loland 2002).

Loland's second norm of formal justice refers to unequal cases and unequal treatment. As he states, "equal opportunity is a precondition for being able to measure, compare and rank athletic performances in reliable and valid ways" (Loland 2007, 82). Therefore, "inequalities in athletic performance ought to lead to unequal treatment among competitors" (Loland 2007, 83). Coggon, Hammond and Holm (2008) describe the commonly expressed need for a level playing field in sport. They distinguish a level playing field and an equal playing field. If every athlete was equal, performances would be lackluster and every competition result would be determined by chance or luck (Loland 2002; Coggon, Hammond & Holm 2008). The issues in achieving a level playing field are, therefore, not in making things equal, but determining which inequalities are acceptable and do not interfere with the integrity of the sport being played (Loland 2002).

Elite athletes are different from most people in that they are gifted in genetic and non-genetic ways that enable them to maximize their athletic potential (Bostwick & Joyner 2012, 508). Yet the desire for a level playing field should not be interpreted as an equal playing field. High-performance sport celebrates human variation through contests that determine and reward superior athletic performance in predictable and unpredictable ways (Weaving 2006). For example, some athletes are quicker, more coordinated, taller or stronger than others. Loland (2002) refers to the complex combinations of genetic predispositions and non-genetic factors as talent, and argues that talent is molded by "both intentional and non-intentional and controlled and uncontrollable interactions with the environment" (2007, 83). Superior athletic abilities can be influenced and developed in a variety of ways, ranging from initial nourishment as child, to a large lung capacity, socioeconomic status, or access to coaching or advanced training facilities (Loland 2007).

The element of chance and luck involved in the distribution of genetic talent is “a matter of procedural justice and not in itself unjust” (Loland 2007, 82). However, unequal treatment based on such inequalities alone may appear unreasonable.

Loland’s third norm of distributive justice in sport states, “actual inequalities in performance ought to stand in a reasonable relationship to inequalities in the distribution of competitive advantage” (2007, 85). Beauchamp (2007) observes that sport-governing bodies police, eliminate, or compensate for inequalities that testing members cannot control and therefore they cannot be held responsible. Weight categories in boxing and sex-segregation are both examples of how sport-governing bodies police inequalities that cannot be controlled by competitors. However, Loland notes that the reasoning for the elimination and compensation for inequalities is not always clear-cut. Brown (2015) builds on Loland’s theory of equality of opportunity and claims that in sport, there are some competitive advantages that should or should not determine victory, as well as conditions that rightly or wrongly allow athletes to individuals to develop the vital qualities and competitive advantages. Brown’s arguments reintroduce a moral component to inequalities while simultaneously reinforcing Coggon, Hammond, and Holm’s argument that “fairness has as its core value equal respect for persons, as distinct from equal treatment of persons” (2008, 7). Interpretations of competitive advantages or inequalities in sport are in part reflective of what is “human and inhuman, natural and artificial” (Loland 2007, 84).

In Chapter 5, I apply these elements of distributive justice to examine competitive advantages and the policing of unfair and fair advantages in more detail. This exploration will help assess whether transgender athletes are cheating, or possess unfair competitive

advantages in high-performance sport. I then interpret what I believe the purpose of the Olympic Games to be in order to assess what forms of unequal treatment are justifiable.

4.3 Olympism as a Moral Philosophy

In order to assess the moral acceptability of the inclusion of transgender athletes in the Olympic Games, I will review the mission and aims of the Olympic Movement. In turn, if the mission and aims of the Olympic Movement are to be understood, a clear conception of Olympism, the moral underpinning of the Games, is required.

Understanding the underlying moral ideals that frame the Olympic Games provides a point of departure for assessing the moral acceptability of actions within the Olympic Movement and could help the International Olympic Committee (IOC) navigate through challenges by directing courses of action that support the intended vision of the Olympic Games.

The IOC mission statement is to “lead the Olympic Movement” and “promote Olympism throughout the world.” The IOC states that the aim of the Olympic Movement is to “contribute to building a peaceful and better world by educating youth through sport practiced without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play” (2016, 17). The *Olympic Charter* is comprised of the Fundamental Principles and governs the overall “actions and operations of the Olympic Movement and sets forth the conditions for the celebration of the Olympic Games” (IOC 2016, 9). Therefore, the actions of the Olympic Family, National Olympic Committees (NOCs), International Sport Federations (ISFs),

athletes, officials and other Olympic Games stakeholders must align with the *Olympic Charter*, Olympic values and aims of Olympism.

The revival of the Olympic Games has been credited to Baron Pierre de Coubertin. Towards the end of the nineteenth-century, Coubertin predicted that sport was on the verge of expanding in global popularity; he believed that “physical activity grounded in rule-adherence, [was] universalisable, [and could provide] a contact point across cultures” (Parry 1998, 154). His aim for sport was to facilitate international understanding, peaceful co-existence, and serve as moral educational development (Parry 1998). Inspired by the influence of sport in the British public schools educational system, Coubertin developed the idea of Olympism to connect youth through sport and serve as the moral platform to the Olympic Movement (Weaving 2006).

Although Coubertin continually promoted Olympism as a “philosophy of life” and a “state of mind,” Olympism was a concept difficult to define and continually evolving (Torres 2011, 4). When asked, Coubertin often described it as the “something else” that could not be found in any other international sports competition (Torres 2010, 3). Despite the ambiguity of Olympism, it is apparent that “values such as holistic development, excellence, peace, fairness, equality, mutual respect, justice, and nondiscrimination are repeatedly emphasized” (Torres 2006, 242).

As previously stated, the *Olympic Charter* serves as a moral code that governs the actions and operations of the overall organization and Olympic Movement. According to the Fundamental Principles outlined in the *Olympic Charter*:

1. Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education,

Olympism seeks to create a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles.

2. The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.

4. The practice of sport is a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play (2016, 11).

In summary, a broad conceptualization of Olympism is observable in the cultural, educational and competitive sport programs in the Olympic Games. Olympism is thus a culmination of culture, sport and education, in the form of competitive sports and cultural programs showcased on the global stage that is the Olympic Games that uses sport as vehicle to foster moral development and mutual understanding in attempts to unite the world.

Competitive sport and Olympism are inextricably bound. The emphasis on values of mutual respect and fairness link Olympism to the importance of a mutualistic approach in sport, respecting your opponents, the game (Butcher& Schneider 1998) and the overall ethos of sport (Sheridan 2003). Moral ideals of Olympism overlap with Simon's (2010) account of sport as "a mutually acceptable quest for excellence through challenge" (cited in McLaughlin & Torres 2014, 355). Kretchmar and Torres' interpretation of testing family members also parallels Olympism's ideals of mutual respect in the recognition

that opponents are members “who belong to the same community of contestants and shares your interest and passion in sport...your opponent is integral to the contest, and a victory is fully meaningful when opponents are at their best” (2013, 155). Olympism’s contingency on moral values ties the practice of sport and the overall Olympic Games to a moral platform. Olympism thus serves as a moral code in the pursuit of excellence in competitive sport.

Unlike other sporting organizations, the IOC “explicitly identifies a moral standard to which it is accountable” (McLaughlin & Torres 2010, 487). McLaughlin and Torres elucidate that monitoring and preventing discrimination of any sort in the Olympic Movement is “difficult to interpret and even harder to apply, but it does provide a point of departure on which to assess the IOC and determine if it is fulfilling the moral element of its mission” (2010, 488). Historically, the IOC has not always fulfilled the moral aims of Olympism. The moral goals of Olympism are ambitious and when daring greatly towards the lofty goals of Olympism sometimes the IOC will fall short, and when the IOC misses the mark, they become vulnerable to criticism (McLaughlin & Torres 2010, 488). The implementation of policies that align with the Fundamental Principles is a difficult task. Although the implementation of Olympism is challenging, it remains an essential component of the Olympic Games. Therefore, it is important to assess the moral acceptability of the inclusion of transgender athletes in the Olympic Games with Olympism in mind. Understanding Olympism and its influence on the *Olympic Charter* provides clearer directives of how to make sense of the Fundamental Principles, and informs my assessment of whether the inclusion of transgender athletes is in congruence with the explicit mission of the Olympic Movement or not.

In Chapter 5, I apply the theoretical perspective of intersubjectivity to Olympism to examine the moral dilemma of including of transgender athletes in the Olympic Games. Interpreting Olympism as an intersubjective moral approach considers the values that ground the Olympic Movement and helps determine courses of action that best fulfill the moral aims of Olympism; from here I am able to analyze the moral acceptability of the inclusion transgender athletes in the Olympic Games.

4.4 Summary

In summary, this chapter illuminates that the moral value of fairness in sport is not easily defined. In order to grasp the concept of fair play, it is necessary to first understand what sport is, and how the broader philosophical values of fairness and justice intersect with overall understandings of fair play in sport. Outlining the structure of sport reveals that honourable sport is made possible when athletes accept the rules and artificial obstacles that make sport unique. To accept and then break the rules, contradicts the purpose of complying and participating in the game. This chapter reveals that cheating in sport is intentional or deliberate, and that the severity of the cheating can vary based on the offender's intent and motivation to cheat. A deliberate act of cheating is morally unjustifiable because it alters the sport being played, limits access to the intrinsic goods of sport, deceives opponents who have accepted the rules, and tarnishes the validity of the results and overall integrity of the sport. Understanding cheating in sport helps clarify whether transgender athletes are cheating and diminishing the integrity of Olympic sport by competing as their identified gender. Loland's theory of distributive justice reveals norms that will help assess justifiable inequalities and determine unequal treatment in

sport. In regards to the inequalities created by competitive advantages in sport, this section revealed that the issues in achieving a level playing field are, therefore, not in making things equal, but determining which inequalities are acceptable and do not interfere with the integrity of the sport being played (Loland 2002).

Lastly, this chapter uncovered the importance of Olympism as the underlying moral platform of the Olympic Movement. Understanding the moral values that bolster the actions and operations of the Olympic organization facilitates a point of departure for assessing courses of action that are morally acceptable and in congruence with Olympism.

Chapter 5: Analysis of Transgender Athletes' Inclusion in High-Performance Sport

In this Chapter, I apply Loland's theory of distributive justice to examine competitive advantages and the policing of unfair and fair advantages in more detail. This exploration will help assess whether transgender athletes possess unfair advantages over their competitors. Chapter 4 uncovered the importance of Olympism as the underlying moral platform of the Olympic Movement. Understanding the moral values that bolster the actions and operations of the Olympic Movement facilitates a point of departure for assessing courses of action that are morally acceptable and in congruence with Olympism. In this Chapter, I apply the values of Olympism to the inclusion of transgender athletes in order to determine whether such inclusion supports the intended vision of the Olympic Games.

As previously stated, Chapter 4 explored the underlying importance of the Fundamental Principles in the Olympic Games. As outlined in the *Olympic Charter*, "every individual must have the possibility of practising sport, without discrimination of any kind, which requires mutual understanding with a spirit of friendship, solidarity and fair play" (IOC 2016,11). It is unrealistic to assume that all athletes should be included in the Olympic Games without any restrictions, as fairness is a core Olympic value. Evidently, there needs to be some forms of governance and regulations to determine whether an athlete is eligible to compete or not. The contention regarding the inclusion of transgender athletes is therefore a conflict between the *Olympic Charter's* explicit commitment to anti-discrimination principles and notions of fair play (Dabholkar 2013). To reconcile this tension, this chapter identifies the moral dilemmas and ethical issues involved in including transgender athletes in the Olympic Games. After confronting the

challenges that have barricaded the inclusion of transgender athletes, I evaluate the identified moral dilemmas to assess the moral acceptability of the inclusion of transgender athletes in the Olympic Games. This chapter is guided by the theoretical perspective of intersubjectivity.

5.1 Application of Intersubjectivity and Olympism to Transgender Sport Inclusion

As noted in Chapter 3, intersubjectivity is a moral approach that identifies the relationship between self and others; it establishes a social relationship with others and sheds light on our abilities to relate and empathize with others (McLaughlin & Torres 2012, 101). The meanings we associate with our actions and experiences rely on our interactions with others, and intersubjectivity is a common thread that weaves through everything that we do (McLaughlin & Torres 2012).

As described in Chapter 4, Simon's (2010) account of sport as "a mutually acceptable quest for excellence through challenge" (cited in McLaughlin & Torres 2014, 355). Athletes rank and compare their athletic skills through the confrontation of their opponents in competition; "the recognition of the necessity of our opponents to make our participation in sport possible is a recognition of our need to answer them" (McLaughlin & Torres 2012, 110). The intersubjective nature of sport is thus the realization of the mutual dependency between opponents and the understanding that all competitors are relational.

The pursuit of excellence through sporting endeavours is central to the moral philosophy of Olympism. Pierre de Coubertin, expressed that "the most important thing [in the Olympic Games] is not winning but taking part" (cited in Dixon 1984, 210).

Coubertin's vision of Olympism focuses on the value of fostering meaningful relationship with opponents in sport; he believed that engaging authentically with others through competition is a victory on its own. The emphasis of the role of mutual understanding in sport links the Olympic philosophy to intersubjectivity (McLaughlin & Torres 2014). Intersubjectivity characterizes the social relations developed within a testing family and gives meaning and understanding to human interaction. The Olympic family is therefore dynamic and malleable, as members' views and interests expand and evolve with the addition and inclusion of new community members (McLaughlin & Torres 2012).

Although the pursuit of excellence is central to Olympism, the significance of one's victory is in part reliant on mutual respect and the quality of one's competitors. If victory is of main importance for an athlete, then the athlete must also care about the pursuit of excellence and other values that makes elite sport possible (McLaughlin & Torres 2012). As McLaughlin and Torres explain, when an athlete achieves excellence in sport they seek validation and approval from opponents, "in order for one's excellence to be meaningful and appreciated there must be validation from others that recognize skilful achievement and validate that achievement in proper measure" (2012, 112). I argue that transgender athletes have not received equal validation and recognition from other Olympic testing family members and that this has inhibited their integration into Olympic Sport. Accomplishments achieved by transgender athletes in high-performance sport have often been accompanied with questions of unfair advantages leading to a lack of validation and receptiveness from their opponents and overall sporting communities.

McLaughlin and Torres (2014) emphasize the need to recognize and value all members of the Olympic Family equally. The pursuit of athletic superiority, solely as a quest for winning, could be at the expense of other Olympic Family members and could threaten the ability to obtain and benefit from intersubjective features of sport. The failure to promote mutual recognition of all participants may result in discrimination or exclusion of members, which in turn, defies the goals of Olympism. In order to acknowledge each Olympic family member means to authentically consider members' viewpoints and competing claims. It is equally important to also honour and value the claims made by individuals who want to become members of the Olympic testing family (McLaughlin & Torres 2014). Therefore, it is imperative that the Olympic Family consider the claims made by transgender athletes who want to become testing family members, and in turn, the Olympic family must respect the fundamental human right to participate in sport and treat transgender athletes as equally important members of the testing family.

The complexities involved in considering the concerns of all members of the Olympic community should not be undermined. Parry (2006) explains that conflict amongst members is sometimes a result of not all members interpreting the *Olympic Charter* in the same way. When experiencing conflict in the Olympic Family, members should have equal opportunities to voice competing viewpoints so that all claims have a chance to be heard (McLaughlin & Torres 2014). Parry (2006) assures that difficult confrontations and negotiations amongst members are inevitable and necessary. Members will have to compromise, and at times, sacrifice will be required. Some “members are going to be disappointed by decisions that are made, [however], such a

result is different when those who are affected by the decision are able to participate in the process” (McLaughlin & Torres 2014, 355). Confronting negotiations from an intersubjective perspective may help members relate to one another by reconciling conflicts through the discoveries of “overlapping interest[s]” (McLaughlin & Torres 2014, 360).

According to the IOC’s mission and values, the Olympic Family claims to value inclusivity, if this is true, then the Olympic Family should seek to include transgender athletes above all other competing claims and concerns (IOC 2016, 11-17). However, the IOC also claims to welcome all participants who are competing in accordance with the values outlined in the *Olympic Charter* (IOC 2016). This stance clouds the moral acceptability of the inclusion transgender athletes in the Olympic Games. In holding the IOC accountable to its mission of inclusion, the exclusion of athletes who qualify is problematic (McLaughlin & Torres 2014). This highlights an incongruence in the *Olympic Charter*; the IOC is required to include all athletes who have qualified for the Olympic Games; however, the assumption that transgender athletes possess unfair competitive advantages compromises fair play ideals.

When faced with ethical issues or moral dilemmas, such as the issue of transgender athlete inclusion, the *Olympic Charter* should serve as a moral code to determine courses of action that coincide with the moral approach of intersubjectivity and Olympism (McLaughlin & Torres 2014). Ultimately, the IOC should aim to fulfill the goals of Olympism. The IOC’s decision-making and policy development processes influence the beliefs and actions of Olympic Family members. The responsiveness and the Olympic Family members’ abilities to accept and include transgender athletes is

tethered to the IOC's public projections of its viewpoints on inclusion. Of great importance is how decisions in negotiations are reached. McLaughlin and Torres (2014) assure that if negotiators can show that one viewpoint is more aligned with Olympism than the other, then they have established a superior position. In the following sections, I will apply the moral approach of intersubjectivity to examine whether the inclusion of transgender athletes propels the goals of Olympism or serves as an impediment to the Olympic Movement.

5.2 Identifying and Evaluating Ethical Issues

As noted in the previous chapters, the inclusion of transgender athletes in the Olympic Games is quite complex. In this section, I will outline the main ethical dilemmas that have impeded the inclusion of transgender athletes in the Olympic Games. The currently unsubstantiated assumption that hormone therapy utilized by transgender athletes provides the same advantages of doping has long contributed to the justification of excluding transgender athletes from major sporting events (Teetzel 2014, 116). As explained in Chapter 2, the International Olympic Committee (IOC) has developed policies that allow for the inclusion of transgender athletes in the Olympic Games. However, contentious debates about what sex-category transgender athletes should compete in, and the alleged fairness of transgender athlete inclusion is ongoing (Coggon, Hammond & Holm 2008).

The misconception that hormone produces the same physiological benefits as doping has raised questions about whether transgender athletes are cheating. The first section of my analysis and evaluation of moral dilemmas is two-fold. Utilizing my

understanding of cheating, conceptualized in Chapter 4, I first evaluate whether transgender athletes violate fair play and are cheating in sport. The second component of my analysis is an evaluation of men masquerading as women. As noted in the literature reviewed in Chapter 2, sex-segregation and sex-verification procedures have historically been implemented to ensure that male athletes do not ‘cheat’ the gender binary system and fraudulently pose as women to gain unfair advantages in sport. Some sport-governing bodies fear that if transgender athletes are included in sport it will be difficult to police whether males will abuse this opportunity to self-select and interlope the women’s sport category. In this section, I attempt to debunk these fears in order to address the ethical issues at stake.

As previously stated, the resistance to include transgender athletes in the Olympic Games does not solely stem from the monitoring of strict gender norms, but is also a product of fear that inclusion may breach fairness regulations (Teetzel 2006, 228). The belief that transgender athletes may retain physiological advantages from their biological sex at birth or hormone treatment contributes to the assumptions that transgender athletes possess unfair competitive advantages over their opponents. Applying Loland’s (2002) interpretations of justice and fairness in sport, I will address the wide-range of competitive advantages in sport, and what is known about physiological changes in transition. This assessment will help assess whether transgender athletes possess unfair competitive advantages in sport.

Irrespective of whether transgender athletes possess competitive advantages over competitors, how should the International Olympic Committee (IOC) respond to transgender athletes’ inclusion in sport? This final section of this chapter evaluates the

moral acceptability of transgender athletes in the Olympic Games through the lens of intersubjectivity to determine what actions are in congruence with the aims of Olympism.

5.3 Are Transgender Athletes Cheating?

Fairness is a core value of sport and the Olympic Games, and the structure of sport is dependent on athletes accepting the rules and adopting the lusory attitude (Suits 1991). A comparison to doping helps illustrate how the practices of doping, sex-verification tests, and concerns of cheating have fused and, in turn, clouded perceptions of the relative fairness of transgender athlete participation. As discussed in the literature reviewed, the IOC has an extensive history of sex-verification procedures. Sex-verification tests, and drug-testing have been categorized as important procedures that detect forms of cheating and patrol the fairness of athletic competitions. The policing of transgender athletes stems from the association between hormone treatment and performance-enhancing drugs (PEDs) (Behrensen 2013). The grouping of sex-verification and drug testing fails to acknowledge the differences between the two tests, which are ultimately rooted in the ideal of fairness. Sex-verification tests aim to determine the biological sex of a competitor, while drug-testing aims to test whether a competitor has been illegally benefiting from performance-enhancing drugs.

The assumption that the presence of testosterone is indicative of a positive doping test has tainted the participation of transgender athletes in the Olympic Games. This is problematic because doping has become synonymous with cheating because it involves both the surreptitious act of rule breaking and deception (Behrensen 2013). Doping athletes “deceive both their opponents and their fans about the reasons for their athletic success” (Behrensen 2013, 457). However, I argue that transgender athletes do not

undergo hormone treatment or self-select to compete in sex categories that improve their competitive chances in sport. The desire to take hormones is not a deliberate or surreptitious attempt to gain an unfair competitive advantage over opponents. Although there are some cases in which athletes have doped unintentionally, generally speaking, doping is a deliberate, conscious and surreptitious attempt to gain athletic advantages and excel, unfairly, in sport.

As discussed in Chapter 4, cheating can vary in severity based on an athlete's intent and motivation to violate the rules and regulations. In the case of transgender athletes, it is also important to distinguish between deception and the right to privacy. A transgender athlete should have the right to keep their transition process private (CCES 2016). If a transgender athlete chooses not to disclose their transition history with competing testing members, it should not be interpreted as negligence or deceit, it is in his or her human right to withhold that private information from competitors (CCES 2016). Some research suggests that by the age of three, a child knows at his or her core whether they are male or female (Bostwick & Joyner 2012). Thus, while doping is a choice, being transgender is not. Transgender athletes do not seek hormone therapy to gain athletic advantage; transgender athletes want to align their bodies with their minds (Reeser 2005 cited in Lucas Carr & Krane 2011). Transgender athletes compete in their self-selected categories because they consider themselves to be women or men, which highlights the importance of intent (Jonsson 2007). Jonsson (2007) contends that as long as an athlete's gender identity during athletic competition aligns with their gender identity outside of the contexts of sport, the athlete has earned the benefit of the doubt and their intent should not be questioned. Therefore, along similar lines of reasoning, I

argue that transgender athletes are not cheating, and therefore transgender athlete exclusion based on the belief that transgender athletes are cheating is morally indefensible. However, a closer analysis of competitive advantages in sport, in Chapter 5.5, could illuminate whether transgender athletes unintentionally gain unfair athletic advantages over opponents

5.4 Policing the Women's Sport Category

The fear that allowing transgender athletes to self-select may result in men fraudulently posing as women has long justified sex-verification in sport, and has impeded transgender inclusion in the Olympic Games (Gleaves & Lehrbach 2016). As illustrated in Chapter 2, the assumption that all men are athletically superior to women has contributed to the policing of the women's category in sport. This fallacy is problematic because it assumes that men are so superior to women in sport that by simply swapping genders any man could easily qualify for a women's event. Lucas-Carr and Krane (2011) play the imposter case-scenario out to dispel myths about men transitioning solely to gain athletic advantages over cisgender women. They outline the lengthy procedures that ensue prior, during, and after, hormone and surgical transitions. In North America, a variety of doctors, therapists and mental health experts are involved in the transition assessment and approval process. Doctors and therapists work together to assess the psychological and physiological experiences of their patients. Their assessment medically validates patients' experiences and helps determine whether a transition is warranted. If a transition is approved, the patient may choose to undergo hormone therapy. Hormone therapies are expensive and draining, as they require usually a

minimum of 12 months of treatment, followed by a lengthy period of rehabilitation and adaptation. Surgery is expensive, invasive, painful, and also requires long adaptation and rehabilitation periods (Lucas-Carr & Krane 2011). If an imposter were to do this to gain athletic advantage, it would take a significant amount of time to rebuild strength and condition and train the body back to superior athletic ability. In other words, “no one goes through years of hormone therapy, massive surgery and this permanent life change on a whim, just to compete” (Lucas-Carr & Krane 2011, 538). For the sake of argument, if a cisgender man deceitfully transitioned and succeeded in women’s sport, he would be unable to access any of the ‘goods’ sport offers and the Olympic family members would likely diagnose his fraud (Kidd 2011). His successes in women’s sport “should be, and almost certainly would be, considered illegitimate because of the inauthenticity of his narrative... and thus a winning performance would be interpreted as that of a spoilsport rather than a victor” (Gleaves & Lehrbach 2016, 322).

5.5 Effects of Hormone Treatment on Competitive Advantages

The assumption that all male athletes are superior to female athletes in high-performance sport has led to controversy over the inclusion of transgender athletes in the Olympic Games. Loland’s (2002) exploration of physiological distinctions between women and men reveals that the biological differences between sexes are not as distinct as most seem to think. Loland explains that variation in athletic potential “within each sex are greater than the mean variation between the sexes” (2002, 58). The assumptions that transgender athletes have unfair advantages in sport are related to the advantages of testosterone (Krane & Sullivan Barak 2013). Concerns that female transgender athletes

will retain male physiological advantages, attributed to testosterone, and that the effects of testosterone in hormone treatment enhance male transgender athletes' performances has resulted in speculation of whether the inclusion of transgender athletes is fair (Krane & Sullivan Barak 2013). Therefore, the pertinent question is how advantageous is testosterone for male transgender athletes, and how much of the effects of testosterone, in female transgender athletes, are reversible upon androgen deprivation (Gooren & Bunck 2004).

On average “men outperform women in athletic events by approximately 11-18%, potentially as result of well known sex differences” (Devries 2008, 3). Although a comprehensive analysis of the physiological difference and effects of testosterone and estrogen is outside the scope of this thesis, it is important to provide a brief outline of physiological differences that could affect athletic performance. An overview of this information could clarify why sex-segregation and the intense policing of the women's category and transgender athletes prevails.

The differences in athletic performances could potentially result from a variety of anthropometrical measures. On average, “men are taller by approximately 12-15 cm, have greater muscle mass and less body fat, greater bone thickness and bone mineral density” than women (Devries 2008, 4). On average, men have greater lung capacities, and a higher haemoglobin content contributing to more efficient oxygen delivery to working muscles (Devries 2008). Women rely more on the metabolic breakdown of lipids in energy output, compared to men who rely more on metabolizing carbohydrates, resulting in the ability for women to exercise at a higher intensity for a longer period of time (Devries 2008).

One of the main reasons for the physiological differences between men and women, listed above, is the metabolic effects of testosterone and estrogen. Normal testosterone concentrations are approximately 21 nmol/L in cisgender men, and approximately 1.1 nmol/L in cisgender women (Devries 2008). Normal estrogen concentrations are approximately 128 nmol/L in cisgender men, and approximately 184 nmol/L in cisgender women (Devries 2008).

In regards to athletic advantages, testosterone is believed to increase strength by regulating lean body and muscle mass. Higher levels of estrogen in women contribute to less muscle mass, and increased fat deposition (Pilgrim et. al 2003). Testosterone stimulates red blood cell production that contributes to haemoglobin delivering oxygen to working muscles more efficiently. Testosterone also contributes to bone density and mineral content, increasing the calcium retention resulting in stronger and larger bones (Devries 2008). Testosterone seems to regulate some of the sex differences, however substrate metabolism during exercise is not one of them (Devries 2008, 9). Studies show that estrogen acts an anti-oxidant during exercise-induced stress, producing less muscle soreness and damage, and resulting in the ability adapt more quickly to the stress of endurance training on the body (Devries 2008). That being said, it is important to note that estrogen has more performance-inhibiting effects than performance-enhancing effects (Devries 2008).

Devries' (2008) research on the changes of sex hormone concentrations in transgender men and women reveals that the average testosterone levels in transgender men rises to approximately 31 nmol/L, and estrogen levels dip to approximately 134 nmol/L. Transgender women had testosterone levels of approximately 1.0 nmol/L and

approximate estrogen levels of 175 nmol/L. The therapeutic use of testosterone in transgender male participants resulted in increases of muscle mass and haemoglobin levels that were no different than the observed estimates and approximate ranges for cisgender men. In fact, the only sex difference that stood out was a higher amount of subcutaneous fat in transgender men, in comparison to cisgender men (Devries 2008).

In the case of female transgender participants, the therapeutic use of estrogen produced similar haemoglobin levels as cisgender women. Anthropometrically, muscle mass between cisgender women and transgender women was relatively equal. Castillo (2004) adds that female transgender participants often gain greater subcutaneous fat in hips, buttocks, and thighs and have decreased muscle mass in thighs. However, subcutaneous fat levels still remained slightly lower in female transgender participants than cisgender women. In short, based on the evidence discovered in Devries' (2008) research, there is no substantiated proof that transgender men or women would gain or retain, respectively, athletic advantages in sport.

Devries (2008) notes that a limitation of her study was that it did not investigate the performance variables between men and women closely enough, and that a closer look at the effects of hormone therapy on athletes would be provide more insight on the issue. Gooren and Bunck (2004) add that there is still an element of arbitrariness in whether female transgender athletes have unfair advantages over cisgender women in sport. The uncertainty lingers in the “profoundly different biologic effects [of testosterone] on muscle properties” (2004, 425). Individuals range in their response to testosterone exposure, meaning that similar plasma levels of testosterone in the body do not produce the same predictable effects on strength and muscle mass on everybody

(Gooren & Bunck 2004). Varying responses are all genetically predisposed, and personal, and can be affected by “nutrition, activity levels, metabolism, or muscle growth regulators” (Gooren & Bunck 2004, 428). Therefore depending on the levels of uncertainty one is willing to accept, it is acceptable for female transgender athletes to compete in the women’s sport category (Gooren & Bunck 2004).

On a similar note, Bardin (2012) articulates how little researchers know about the influence and effects of testosterone on athletic performance. Chapter 2 described the case of María José Martínez-Patiño, whose sex-verification testing results revealed that she possessed a genetic condition known as Complete Androgen Insensitivity Syndrome (CAIS). CAIS is a condition in which a child is genetically male, but develops female sex characteristics. The condition is characterized by the inability to break down testosterone effectively (Buzuvis 2011, 20). Martínez-Patiño appealed her disqualification on the grounds that her condition made her completely unresponsive to testosterone, and thus resistant to testosterone’s assumed athletic advantage (Karkazis et al. 2012, 8). CAIS is overrepresented in female athletes: on average 1 in every 20,000 women have CAIS, however in the Olympic Games 1 in every 400 women have CAIS (Bardin 2012). If testosterone is the main determinant for athletic advantage, it does not make sense that CAIS is overrepresented in elite women’s sport. This fact speaks to the need for researchers to continue investigating the effects of testosterone on athletic ability. A disentanglement of the effects and influences of testosterone on athletic performance will provide more clarity on whether transgender athletes possess unfair competitive advantages or not. Harper (2015a), a transgender professor and master athlete has started to conduct research on transgender athletes pre and post transition.

Curious of whether her transition experience was typical, she began to research and collect data from eight long distance runners who were also transgender women. Harper collected over 200 race times and discovered that collectively, all participants ran much slower race times after their transitions while “putting up nearly identical age-graded scores as men and as women” (2015b, 4). Harper concluded that all subjects were equally competitive in their new sex category. Her work provides insight into the performance changes experienced by transgender athletes before and after transition. Although Harper’s research is valuable, it only addresses long distance running, this fact speaks to the need for further research in other sport disciplines to assess the physiological changes associated with transitions across a variety of sports. Karkazis et al.’s (2012) work coincides with Harper’s (2015) and argues that endogenous testosterone does not necessarily produce competitive advantages. Karkazis et al.’s (2012) research suggests instead that elite athletes are exceptionally gifted. Their athletic talent is what has secured their positions in high-performance sport, and athletic talent is not reliant on one sole physiological marker (Karkazis et al. 2012). For the sake of argument, even if transgender athletes did possess competitive advantages, would it be unfair?

5.6 A Closer Look at Competitive Advantages in Sport

As noted in the previous section, the assumption that all male athletes possess athletic superiority over their female counterparts has complicated the inclusion of transgender athletes in sport. The misconception that transgender athletes who complete hormone therapy treatments possess unfair competitive advantages over their competitors is problematic because this assumption stems from another assumption: that sport is

operating on a level playing field to begin with (Kidd 2011; Dworkin & Cooky 2012).

In regards to competitive advantages stemming from ‘natural’ talent, over 200 biological conditions that contribute to athletic advantages in sport have been identified (Shani & Barilan 2012). Sport at its essence is the exploitation and celebration of advantages. As discussed in Chapter 4, inequalities are what differentiate competitors. If all athletes were equal, sport would be too predictable. The mission is therefore to agree on acceptable inequalities in sport (Coggon, Hammond & Holm 2008).

Dabholkar (2013) expresses that society tends to overlook most natural physical and physiological inequalities in sport without any consideration of whether it compromises fairness in sport. For example, Michael Phelps’s disproportionately long arms, hypermobile joints and large feet that “reportedly bend 15° farther at the ankle than most other swimmers, [turn] his feet into virtual flippers” (Dabholkar 2013, 55). Consider Ethiopians and Kenyans, whose exposure and training in higher altitudes has resulted in 41 of the 50 fastest marathon-running times in history (Bostwick & Joyner 2012). Or Shaquille O’Neal, whose 7’1” stature makes him a dominant force on the basketball court (Dabholkar 2013). These references are only a few examples of prominent athletes whose competitive advantages have contributed to their athletic successes. Note that none of the competitive advantages listed above have been challenged; rather advantages are exploited for athletic success, and then celebrated. No two athletes are the same in any way; it is the celebration of human variation that makes sport worthwhile (Weaving 2006).

If we choose to believe that the celebration of fair advantages is the celebration of ‘natural advantage’ then we are insinuating that advantages that are unfair advantages are

artificial ones (Dreger 2010). Dreger asserts that if we want to use ‘the natural argument’ to draw the line between fair and unfair advantages then “we have to draw [the line] on nature” (Dreger 2010, 23). This analysis is not an attempt to undermine the superior athletic ability that is required to excel in sport; rather it is an attempt to take a closer look at the wide-range of congenital and socioeconomic inequalities that contribute to overall athletic performance. The monitoring of artificial advantages in sport often slips under the radar, and a closer look at the variety of artificial advantages in sport reveals a whole new realm of systemic inequalities that contribute to competitive advantages.

Coubertin once proclaimed that sport should remain a domain “in which neither inherited privilege nor wealth was to determine people’s success in life, but talent and personal effort” (MacAloon 1981 cited in Loland 2007, 82). Today, Olympism has shifted and evolved to form its modern social realities. For example, the IOC now considers the environmental legacy of Olympic Games and selects candidate cities based on their ability to consider environmental impact in their plans to produce sustainable Olympic Games. Contrary to Coubertin’s wishes, sport is no longer a society untouched by socioeconomic status or wealth. Superior athletic performances are not solely reliant on congenital athletic traits, talent or hard work. Amongst athletes, there is a large discrepancy in accessibility to resources (Loland 2002). Athletic performances are not ranked on athletic talent alone; winners are reflections of comparisons between entire systems of inequalities (Loland 2002). Superior athletic performances are nurtured within complex systems, of “material, technological and scientific resources, including facilities and equipment, trainers, medical and administrative apparatus, exercise scientists, technologists,” coaches, psychological and medical support systems, and so on

(Loland 2002, 61). Accessibility to artificial resources and materials that enhance performance are definite examples of competitive advantages that are unequally distributed and therefore unfair (Loland 2002).

Bruce Kidd elucidates on the extent of unequal ‘natural’ and artificial advantages that influence sport performance:

There are also many external variables that influence performance: access to excellent coaching, training facilities, healthy nutrition and so on. If athletic officials really want to address the significant factors affecting advantage, they should require all athletes to live in the same place, in the same level of wealth, with access to the same resources... Boy, oh, boy, there are so many unfair advantages many Olympians have, starting with who their parents are (Kidd cited in Padawer 2016).

Kidd’s statement acknowledges the potential snowball effect that could occur if we are to become critical of competitive advantages in sport without adequate reflection.

The fact that the Olympic Games are a global multi-sport competition exemplifies and amplifies the stark and varying degrees of unequal accessibility to artificial advantages at the international sporting level. Simply put, some countries have the money to invest in sport, and some do not. Athletes who are developed in higher socioeconomic environments have been nurtured within advanced sporting systems, surrounded by knowledgeable coaches and support systems, which contribute to their mental and physical abilities to perform superiorly (Padawer 2016). Therefore it is unjustifiable to negate the influences of socioeconomic and technological advantages on athletic performances, as “the requirement of a level playing field solely lies in each contender’s

indisputable opportunity to win” (Dabholkar 2013, 56). As Kidd explains, fair play based on hard work alone is illusory (cited in Padawer 2016). If we were to label and critique the relative fairness of every competitive advantage in sport “we could end up classifying for almost anything: from inequalities in genetic pre-dispositions to inequalities in the social and cultural environments in which we are born and raised” (Loland 2002, 57).

An example of the influence of artificial advantages on superior athletic performance is the participation of female athletes from Islamic countries at the 2008 Summer Olympics Games, in Beijing. Up until 2008, Qatar, Saudi Arabia and Brunei had yet to have female representation at the Olympic Games (McLaughlin & Torres 2014). Female sport participation in Islamic countries is multifaceted and complex, and low levels of female sport participation yield “low levels of competitive success” (McLaughlin & Torres 2014, 358). McLaughlin and Torres (2014) elucidate that low levels of competitive success at Olympic Games were result of powerful socioeconomic and cultural contexts that have challenged Islamic women’s entry into sport. In some interpretations of Islam, female participation in sport is believed to jeopardize family honour and the culturally established gender hierarchy, where men dominate (McLaughlin & Torres 2014). The opportunities for women to compete in sport are limited and risky as participation threatens women’s “respectability” and social position within in their cultural communities (McLaughlin & Torres 2014, 358). Many Islamic female athletes are unable to access many artificial competitive advantages. The socioeconomic and cultural climate often impedes Islamic women’s access to financial and emotional support systems, training facilities, equipment, technological resources, and coaching, and, in turn, hinders opportunities for women to improve their athletic

abilities and achieve athletic success (McLaughlin & Torres 2014).

The inclusion of female athletes from Islamic countries reveals the dichotomy of inclusion and complexity of fairness in the Olympic Games. The results of competitions clearly conveyed that many female athletes from Islamic countries were at extreme disadvantages in comparison to their opponents. They demonstrated much weaker skill-sets and techniques, and they were hindered by their lack of exposure and experience in high-performance athletic competitions. Despite the evident disadvantages experienced by many female Islamic participants, some members of the Olympic Family members openly celebrated the significant milestone of female participation at the Olympic Games. Inequalities were not accommodated for, as focus seemed to be directed on the positive impacts and benefits of inclusion. I am not arguing that the inclusion of female athletes from Islamic countries should not be celebrated, as participation and inclusion are in alignment with the overall goals of Olympism; rather, I am trying to demonstrate that there seems to be incongruence in conceptions of fairness and athletic advantage. It appears that inclusion is celebrated, and undisputed, when the athletes being included are at a disadvantage and pose no competitive threat to opponents. However, when transgender athletes, who possess competitive advantages that are on par with their opponents, are included there can be resistance on the notion that their inclusion compromises fair play. Demonstrating concerns for fairness only when the outcomes affect one's own chances is self-serving and morally incompatible with Olympism. It seems unethical to pick and choose scenarios where athletes can and cannot possess competitive advantages. If one is truly concerned and committed to fairness in the Olympic Games, then requests for fairness should be consistent, and unwavering.

Ultimately, determining the justifiability of competitive advantages is not black and white. Sport indirectly and directly compares, ranks, measures and celebrates a wide-range of natural and artificial inequalities. Artificial competitive advantages produced by socioeconomic and environmental factors are not policed as strictly as ‘natural’ advantages; however, the unequal dispersion of artificial advantages also plays a significant role in superior athletic performance. The aim of this exploration is to highlight that even if transgender athletes possess competitive advantages, superior athletic performances are complex combinations of a wide-range of congenital and socioeconomic inequalities. If one is going to be critical of the potential competitive advantages of transgender athletes, then one must be equally critical of other artificial and natural advantages that yield superior athletic performances; it would be *unfair* to do otherwise.

5.7 Evaluation of Whether Transgender Athletes Possess Unfair Competitive Advantages

In Chapter 4, I described Loland’s (2002) expansion of Aristotle’s theory of distributive justice and applied its norms to the context of sport. As exposed in the previous section, in essence sport involves the exploitation of competitive advantages and inequalities (Coggon, Hammond, & Holm 2008). The diversity and variation amongst competitors is what makes sport dynamic, unpredictable, and worthwhile. Reverting back to Loland’s (2002) interpretation of fairness, treating unequals, unequally, Coggon Hammond, and Holm’s (2008) distinguish between same and equal treatment. If we consider a male transgender athlete “whose birth certificate claims that she is male, we

may find that she is sufficiently different from other males that she should not be treated in the same way as them” (Coggon, Hammond, & Holm 2008, 6). This understanding of distributive justice holds that it can be fair to treat people differently. Coggon, Hammond, and Holm’s (2008) expand on Loland (2002) and Rawls’ (1999) theorizing of liberty, justice and fairness and add, “it can be fair to treat participants differently, so long as it has been agreed to by all the players: their agreement inferred by their willingness to participate according to the rules” (Coggon, Hammond, & Holm 2008, cited in Teetzel 2014, 119). This rests on the theory of reciprocity because in exchange for being able to participate, athletes forgo some of their liberty. Simply put, it becomes a matter of majority opinion. Rather than having the opportunity to challenge norms, athletes often have to choose between participating or not. Coggon, Hammond, and Holm’s (2008) acknowledge the difficulties for marginalized groups, like transgender athletes, to gain support and ratify change in their pursuit to challenge rules that they deem to be unfair. Agreeing on acceptable inequalities in sport is important, but it is equally important to recognize that at its essence, fairness does not require equal treatment but equal respect (Loland 2002).

If substantial evidence about transgender athletes conferring unfair competitive advantages proved that the inclusion of transgender athletes made sport more predictable, made cisgender athletes more likely to lose, or resulted in athletic advantages that prevented sexes from developing the same athletic prowess, then proportionate unequal treatment that limits transgender eligibility on the grounds of fairness *could* be justifiable (Coggon, Hammond & Holm 2008). However, at this point in time, it would not only be discriminatory to exclude transgender athletes but also irresponsible to stagnate sport.

Therefore given the unfounded fixation on testosterone being the main determinant for athletic superiority, the vast array of unregulated natural and artificial inequalities in sport, and research confirming that transgender athletes coincide with their biological norms of sex categories, there is no reason to exclude transgender athletes from the Olympic Games on notions of fairness. Ultimately, one's perception of the alleged fairness transgender athlete inclusion in the Olympic Games is shaped by what one believes the goals of the Olympic Games to be.

5.8 Evaluation of the Moral Acceptability of the Inclusion of Transgender Athletes in the Olympic Games: What Actions Align with the Goals of Olympism

The perception of the moral acceptability of transgender inclusion in sport should be dependent on what we interpret the goals of Olympic Games to be (Loland 2007). Section 5.1 included an elucidation of the value of Olympism in the Olympic Movement, and an analysis of the interconnectedness between Olympism and intersubjectivity. This section revealed that when the Olympic Movement is faced with ethical issues or moral dilemmas, the *Olympic Charter* should serve as a moral code to determine courses of action that coincide with the moral approaches of intersubjectivity and Olympism (McLaughlin & Torres 2014).

The International Olympic Committee (IOC) aims to fulfill the goals of Olympism, and protect the shared values and interests of the Olympic Family (IOC 2016). As noted in Section 5.1, the Fundamental Principles of the *Olympic Charter* place substantial importance on the value of inclusion in the Olympic Games. The fourth Fundamental Principle simply states: "The practice of sport is a human right" (IOC 2016, 11). The sixth Fundamental Principle reinforces the value of inclusion by stating that

“Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement” (IOC 2016, 12). The Olympic Family claims to value inclusivity, and welcome all participants who are competing in accordance with the values outlined in the *Olympic Charter* (IOC 2016,15). As I showed in Section 5.1, intersubjectivity can be used as lens in tough deliberations to make decisions that align with the *Olympic Charter* and goals of Olympism. Intersubjectivity interprets negotiations on the basis of universality by considering the impact of decisions on all members of the Olympic community and facilitates the possibility for actions that are holistically aligned with the charter. If we are to hold the IOC accountable to its mission of inclusion, the exclusion of athletes is problematic and difficult to justify unless inclusion compromises a value of equal importance (McLaughlin & Torres 2014). In the case of transgender athletes, it appears that the values of fairness and inclusion are both in question. As noted, tension between Olympic values has been a reoccurring trend within the Olympic Movement. The struggle to promote peace and mutual respect through competitive contests is complex. I do not think this differs between the struggle to promote the values inclusion, antidiscrimination and fairness. The counterbalance of values is not new to the Olympic movement, however the variability between contentious cases makes each deliberation unique and, therefore, complicated.

Parry (1998) contends that values of fairness, equality and justice are all vital to the Olympic Movement. He elaborates that these values also link to “subsidiary values” (1998, 11). Anti-discrimination is an example of a subsidiary value of fairness (Parry 1998). Parry claims that if community members genuinely care, respect and are

committed to the importance of equality and fair play in sport, then they must also genuinely care about anti-discrimination. The commitment to equality commits us to anti-discrimination (Parry 1998). If “our professed commitments are against [anti-discrimination] then we have to oppose it in practice” (Parry 1998, 12). If Olympic sport includes blatant acts of discrimination, through exclusion of members, or restricted opportunity to excel, then Olympic sport is not equal or fair. The exclusion of transgender athletes would not treat all athletes with equal regard, which counteracts equality and fairness ideals in the Olympic Games and contradicts the goals of Olympism

This chapter has argued that there is little evidence proving that transgender athletes possess competitive advantages, while simultaneously revealing that even if transgender athletes did have competitive advantages, sport is a celebration, and exploitation of a wide-range of natural and artificial inequalities. Given this, it appears that a prevailing fixation on whether transgender athletes possess unfair advantages would be unwarranted. The literature review in Chapter 2 demonstrated how the regulation of fairness ideals has a long history, and is a product of traditional norms of fair play governance. Since the early debut of the Olympic Games, the policing of the women’s category has been enforced to protect female competitors and preserve notions of fair play in sport. It is possible that the fears over unfair competitive advantages and invalid contests are disproportionate to their actual importance. The historical emphasis and patrolling of fairness in sport has overshadowed more important values of Olympism, like inclusion, mutual respect and cultural pluralism. The fear that the inclusion of transgender female athletes will disadvantage cisgender women, considers the potential disadvantages to cisgender women but fails to equally consider the disadvantage to

transgender women. As long as the *Olympic Charter* claims, “the practice of sport is a human right,” (IOC 2016, 11) then the IOC should continue to publically project opinions that are in alignment with Olympism. The exclusion of transgender women would deny their human right to practice sport. Reframing the issue with compassion, intersubjectivity and Olympism in mind can go a long way (Reeser 2005). This is not to say that sport should not continue to be a realm where we “rank, compare or measure individuals in competitive athletic contests” (Loland 2002, 135). Instead, I argue that the evolution of the Olympic Movement, through new social understandings and interactions between members, is equally meaningful and worthwhile. The inclusion of transgender athletes would create new opportunities for members to interact with people who have been marginalized from sport. The inclusion of marginalized populations reshapes the Olympic family by bringing forth new experiences and perspectives, and, in turn, expands, diversifies, and enriches the Olympic Movement. The next section elucidates the value of an intersubjective approach to Olympism, reveals why the goals and ideals of the Olympic Movement should be malleable, and not remain stagnant.

Ultimately, the issues with the inclusion of transgender athletes are not with the athletes who challenge the gender binary system; the problem lies with the strict gender binaries that exclude and deny individuals the right to practice sport (Jonsson 2007). If we are to make decisions based on the goals of Olympism, it appears that we should make choices that align more holistically with the *Olympic Charter*. Inclusion solely contingent on physiological equivalency (i.e., pre-determined limits that regulate ranges of biological normalcy) seems incongruent with the aims of Olympism, especially when the IOC claims to value inclusivity above all (Gleaves & Lehrbach 2016). Therefore

decisions that promote inclusion are superior, because the inclusion of transgender athletes aligns more holistically with the aims of the charter than the ‘unfair’ competitive advantage argument (McLaughlin & Torres 2014).

5.9 Intersubjectivity; Dividing Walls and Evolving Olympism

McLaughlin and Torres explain that meanings about self and others are derived from our “experiences and perceptions that are always embodied, therefore meaning is always embodied meaning” (2011b, 274). It is believed that intersubjectivity can also be understood as ‘intercorporeality’ as our discoveries are always obtained through action and movement (McLaughlin & Torres 2011b). Sport facilitates intercorporeal experiences because it is a social practice that depends on movement. The Olympic Games are a global sport movement that enable us to learn about ourselves and others, through intersubjective connections and intercorporeal discoveries (McLaughlin & Torres 2014). The exclusion of discrimination against transgender athletes denies them the opportunity to connect and make meaningful connections with others through movement.

The application of intersubjectivity to Olympism and the inclusion of transgender athletes allows us to create and develop new social realities and relevant understandings of Olympism. The Olympic Games are a dynamic global event that has shifted and changed in response to the sociocultural climate. However, change to the Olympic Games has not always been welcomed. The initial ban and exclusion of women in the Olympic Games, the revision of amateurism and shift towards professionalism, and the growing concern for environmental friendly Games illuminates how some aspects and goals of the Olympic Movement are malleable and changing (Loland 2002). An intersubjective moral approach clarifies that just as the Olympic Games have grown and flourished, so can our

understanding of Olympism. If one of the aims of Olympism is to include, then fulfilling Olympic goals and invoking a default to inclusion with assessment over time is warranted (IOC 2016).

The Olympic family is comprised of members with shared interests, values and respect for sport and the overall Olympic Movement. As previously stated, the fear that transgender athletes possess unfair competitive advantages has impeded their inclusion and acceptance into the Olympic Games. Intersubjectivity demonstrates the importance of considering the needs and viewpoints of all Olympic family members, the IOC must equally consider the needs and opinions of individuals who trying to become members of the Olympic community (McLaughlin & Torres 2014). Communities with shared values, such as the Olympic Family, “by its very nature opens us to an intersubjective horizon in which who we are our testing family members are subject to redefinition” (McLaughlin & Torres 2012, 61). Perhaps the gradual process to include transgender athletes stems from the fact that transgender athletes may shift and reshape members’ understandings and perceptions of their sporting community, identity and values. The intersubjective moral approach illustrates that Olympic Games present dialogical opportunities between members that actualize new relevant understandings of Olympism. Just because transgender athletes may stray from traditional gender norms and subsequently challenge gender binaries in sport, their drive and commitment to athletic excellence is no different than cisgender athletes. It is against the ideas of Olympism to undercut an individual’s access to sport and opportunities for success on the basis that they are different. Participation leads to a recognition, mutual respect and reciprocal understanding, which are all elements at the core of the Olympic Movement. If we can place focus on the fact

that transgender athletes share the same passion, discipline and respect for sport as their opponents, then there is potential for members to relate, recognize sameness in difference, broaden the intersubjective horizons of the Olympic Games, and foster Olympism. Ultimately, the Olympic Games present a unique and extremely special opportunity for members from all corners of the world to unite and facilitates reciprocal understanding by engaging and confronting each other in the mutual pursuit of excellence. A more inclusive community diversifies the Olympic family and enriches the Olympic Movement,

Transgender athletes represent a marginalized and vulnerable sector of society. The fact that the inclusion of transgender athletes is solely dependent on scientific discoveries informing whether their eligibility lies within predetermined biological ranges of normalcy results in very conditional and fragile inclusion. Should evidence reveal that transgender athletes possess competitive advantages outside the range of acceptance, their inclusion in the Olympic Games would be overturned. If this case scenario were actualized, transgender athletes would be denied their human right to practice sport, and given that the IOC claims to value inclusion above all, this possibility is problematic. The exclusion of transgender athletes from the Olympic Games would not only deny their access to intersubjective connections but it would stunt the growth of the Olympic Movement and contradict notions of Olympism. Transgender athletes need to be welcomed and accepted as Olympic family members as their inclusion enriches and diversifies the grounds of human experience and the overall Olympic movement. The conditional inclusion of transgender athletes on physiological equivalency is counterintuitive to Olympism and only further perpetuates their vulnerable position in

society. At the essence of Olympism is mutual understanding and inclusion. Therefore, I believe that the inclusion of transgender athletes is morally acceptable and in accordance with the aims of the *Olympic Charter*. Furthermore, in order for the inclusion of transgender athletes to be in further alignment with the aims of Olympism, the inclusion of transgender athletes should also be bolstered by a moral backbone. From an intersubjective moral approach, I argue that in order to strengthen the Olympic Movement, the inclusion of transgender athletes in the Olympic Games should be not be solely contingent on physiological equivalence among competitors, but should be equally contingent on the moral ideals of Olympism.

Chapter 6: Conclusion, Recommendations, and Implications

6.1 Summary of Findings

I first examined the issue of transgender inclusion from a historical standpoint in an attempt to contextualize the resistance to include and accept transgender athletes in the Olympic Games. The historical analysis of the policing of the women's category, the history of gender verification procedures, and the analysis of inclusive sport policy development all contributed to this thesis by contextualizing the field of study. After conceptualizing important terms like sport, fairness, fair play, cheating, and Olympism, I was able to critically reflect on the notions of fairness, equality, justice and fair play in sport. This analysis shed light on the complexities of distinguishing between fair and unfair competitive advantages in sport and allowed space to critically reflect on the moral acceptability of the inclusion of transgender athletes in the Olympic Games.

Transgender athletes are not seeking hormone therapy to deliberately and surreptitiously gain athletic advantages over opponents so that they can excel, unfairly, in sport. Transgender athletes simply want to align their bodies with their minds (Reeser 2005 cited in Lucas Carr & Krane 2011). The parallels that are typically drawn between doping and hormone therapy misrepresent transgender inclusion in sport; doping is a choice, being transgender is not. Furthermore, I conclude that the fear that allowing transgender athletes to self-select sex categories may result in men fraudulently posing as women is dated, and it is an unjustifiable reason to continue policing the women's category in sport. This myth is problematic because it perpetuates the assumption that all men are athletically superior to women and has impeded transgender inclusion in the Olympic Games. If an imposter were to masquerade as a transgender woman to gain

athletic advantage, it would take a significant amount of time to rebuild strength and condition and train the body back to superior athletic ability. In other words, this myth has yet to be actualized, and is extremely far-fetched and unrealistic. Even if a male imposter were to qualify for the women's category his successes in women's sport would be invalidated because of the inauthenticity of his narrative.

In regards to concerns of fairness and competitive advantages, research on the effects of hormone treatment supported the inclusion of transgender athletes because of the lack of substantiated evidence proving that transgender athletes possess unfair competitive advantages over opponents. Given my critical analysis of competitive advantages, it is clear that sport rarely, if ever, involves a level playing field to begin with. A critical evaluation of determinants of competitive advantages revealed that even if transgender athletes did possess unfair athletic advantages, sport is a celebration, and exploitation of a wide-range of natural and artificial inequalities. The fact that the Olympic Games are a global multi-sport competition exemplifies and amplifies the stark and varying degrees of unequal accessibility to artificial advantages at the international sporting level. It should be noted that the distinction between fair and unfair competitive advantages is not black and white. The diversity and variation amongst competitors is what makes sport dynamic, unpredictable and worthwhile. In summary, there is no reason to exclude transgender athletes from the Olympic Games on notions of fairness due to the unfounded fixation on testosterone being the main determinant for athletic superiority, the vast array of unregulated natural and artificial inequalities in sport, and research confirming that transgender athletes coincide with the biological norms of cisgender athletes in their selected sex categories.

The second objective of this thesis was a theoretical one and involved the examination of how an intersubjective moral approach to Olympism can be utilized as a moral platform to assess whether the inclusion of transgender athletes in the Olympic Games aligns or contradicts the overall goals of the Olympic Movement. I conclude that one's perception of the relative fairness of transgender athlete inclusion in the Olympic Games is shaped by what one believes the goals of the Olympic Games ought to be. The application of intersubjectivity to the inclusion of transgender athletes, does not guarantee a peaceful universal consensus amongst community members, rather it served as a starting point to critically reflect on actions that are in congruence with the goals of Olympism (McLaughlin & Torres 2014). Ultimately, applying an intersubjective moral approach to Olympism provided clarity on the practice and governance issues in the Olympic Games and facilitated an assessment of what actions support the interests of the Olympic Games and its community members (McLaughlin & Torres 2014, 354). The application of intersubjectivity simplified the moral issues at stake by illuminating that Olympism at its essence values inclusion above all. As transgender athletes represent a marginalized and vulnerable sector of society, exclusion would hinder the participation and discriminate against a vulnerable sector of society, in turn, denying equal opportunity and the human right to practice sport. Excluding transgender athletes from the Olympic Games denies athletes access to the intersubjective features that enrich sport. Olympism aims to celebrate diversity and fight discrimination through athletic confrontation and mutual respect in the pursuit of excellence.

In order for the diffusion of Olympism to occur, the International Olympic Committee (IOC) needs to consider seriously all individuals who are trying to become

members of the Olympic Movement. The IOC explicitly expresses a moral standard for inclusion for which they must be held accountable (McLaughlin & Torres 2014). The fact that the eligibility of transgender athletes is solely dependent on scientific tests measuring predetermined biological ranges of ‘normalcy’ results in very conditional and fragile forms of inclusion. I argued that in order to strengthen the Olympic Movement, the inclusion of transgender athletes in the Olympic Games should not be solely contingent on physiological equivalence among competitors, but should be contingent on the moral ideals of Olympism. The Olympic Games are shaped and created by the intersubjective facets of sport, and it is the Olympic family members that create meaningful narratives that transcend sport itself. I argue that the inclusion of transgender athletes in the Olympic Games is morally acceptable because the inclusion of transgender athletes advances the Olympic Movement by aligning with the moral aims of the Olympic Games and, in turn, facilitates the diffusion of Olympism by enriching the global sporting community.

6.2 Future Directions and Recommendations

The IOC has not always succeeded in fulfilling the aims of the Olympic Movement. At times, moral dilemmas present a conflict of values, complicating the IOC’s ability to answer with actions that are in accordance with the mission of Olympism. The complexities of developing inclusion policies for 206 National Olympic Committees (NOCs) should not be undermined, as the cultural variability within competing nations is vast, driving the IOC to regard contentious issues with cultural relativism in mind. For example, from a North American perspective, the IOC’s progress in inclusion policy development may appear slow, but the progress may appear fast in

other worldviews. Despite the complexities of navigating a global enterprise, Olympism claims to value inclusivity above all.

An observed gap in the IOC sex-reassignment and transgender policy recommendations is the lack of concern for the value of inclusivity in sport. The IOC consistently stresses fair play as the driving force behind sport policy decisions. An emphasis on fair play in sport policy is warranted and important; however, the IOC's focus on fair play should not be at the expense of other equally important Olympic values, such as inclusivity or diversity. The lack of concern or mention of the importance of inclusivity as a driving force in sport policy development is troubling, when considering that the IOC claims to value inclusivity above all. Researchers should continue to focus on how ethical dilemmas can be resolved by referring to the Fundamental Principles of Olympism, where all individuals deserve the right to access and participate in sport (IOC 2011).

As previously stated, in regards to concerns of fairness, fair play and competitive advantages, research on the effects of hormone treatment supported the inclusion of transgender athletes because of unsubstantiated evidence demonstrating that transgender athletes possess unfair competitive advantages over opponents. It is, however, important to note there is still a lingering element of arbitrariness in whether female transgender athletes possess unfair athletic advantages. Extensive qualitative and quantitative longitudinal research on elite athletes who are in the process of transitioning would be valuable. As mentioned in Harper's (2015) work, researching the physiological and cognitive effects of hormonal treatment before and after elite athletes transition would provide insight on the range of competitive advantages and disadvantages of transgender

athletes that appear and dissipate before and after hormone treatment.

Although research on the physiological effects of hormonal treatment on transgender athletes is valuable, I believe that the eligibility of transgender athletes should not be solely contingent on biological evidence. When IOC members are faced with ethical issues or moral dilemmas they should also turn to the *Olympic Charter*. The Fundamental Principles should continue to serve as a moral code to determine courses of action that coincide with the moral approach of intersubjectivity and Olympism (McLaughlin & Torres 2014). If we are to hold IOC members accountable to their mission of inclusion, then it is important to critically reflect on how the IOC responds to ethical issues and moral dilemmas. Of great importance is how conclusions in complex negotiations are reached. It is important for Olympic Family members to challenge decisions that appear incongruent with Olympism. Of equal importance, is that Olympic Family members should be considered and heard by other Olympic members. If marginalized groups are recognized, then there is an opportunity for members to understand and relate to one another. Ultimately, if negotiators can show that one viewpoint is more aligned with Olympism than the other then they have established a superior position and it is up to the IOC to fulfill these duties (McLaughlin & Torres 2014).

I believe that the IOC would benefit from making decisions from an intersubjective moral standpoint. If the IOC operated through the lens of intersubjectivity, it would lead to opportunities that foster mutual respect and broaden social realities for its members and the Olympic overall movement. The intersubjective approach is valuable to Olympic Family members because in order to dismantle conflicting viewpoints we need

to first recognize, respect, and confront each other. If we are not operating from a dialogical angle, discrimination in sport is not going to dissipate, and Olympism will not continue to evolve with new social realities.

The IOC's decision-making and policy development processes ripple into the beliefs and actions of members of the Olympic Family. The Olympic Family members' responsiveness and ability to accept and include transgender athletes is tethered to the IOC's public projections of their viewpoints on inclusion. As observed in Chapter 2, when reflecting on the language used in the IOC's sex reassignment and hyperandrogenism policies, it is clear that previous inclusion policies have expressed discriminatory undertones that have shaped the transgender narrative in sport. There is an opportunity for sport-governing bodies to bridge transgender and gender variant athletes to the Olympic Movement by closing the loop, operating transparently, and definitively confirming the moral acceptability of the inclusion of transgender athletes in the Olympic Games. The IOC should expand inclusion policies to explicitly express moral grounds for transgender inclusion. Policies should be framed around the importance of compassion, and the risks of excluding transgender athletes. Teaching athletes to recognize the importance of intersubjectivity and mutual dependency in sport would help eliminate the alienation and marginalization of transgender athletes. Reshaping the transgender inclusion policies to be contingent on Olympism as well would allocate space for the IOC to create awareness and establish equal opportunities for all Olympic athletes, while connecting their policies to the mission, values and foundational principles of Olympism. Understanding how influential the IOC is in dictating the parameters of transgender inclusion is imperative in halting exclusionary aspects of sport, adopting an

intersubjective mentality in sport, and elevating the mission and goals of the Olympic Movement. Ultimately, the failure to include transgender athletes in the Olympic Games would perpetuate gender inequity, division, and exclusivity in elite sport by contradicting the *Olympic Charter* and diluting sport's potential positive impact.

Works Cited

- Bardin, J. (2012, July 30). Olympic Games and the tricky science of telling men from women. *Los Angeles Times*. Retrieved from <http://articles.latimes.com/2012/jul/30/science/la-sci-olympics-gender-20120730>
- Bauer, G. R., Travers, R., Scanlon, K., & Coleman, T. (2012). High heterogeneity of HIV-related sexual risk among transgender people in Ontario, Canada: A province-wide respondent-driven sampling survey. *BMC Public Health*, *12*, 292.
- Behersen, M. (2013). In the halfway house of ill repute: Gender verification under a different name, still no contribution to fair play. *Sport, Ethics and Philosophy*, *7*(4), 450–466.
- Bockting, W. O. (2008). Psychotherapy and the real-life experience: From gender dichotomy to gender diversity. *Sexologies*, *17*(4), 211-224.
- Boehmer, U. (2002). Twenty years of public health research: Inclusion of lesbian, gay, bisexual, and transgender populations. *American Journal of Public Health*, *92*(7), 1125–1150.
- Bostwick, J. M., & Joyner, M. J. (2012). The limits of acceptable biological variation in elite athletes: Should sex ambiguity be treated differently from other advantageous genetic traits? *Mayo Clinic Proceedings*, *87*(6), 508-513.
- Burkett, B., McNamee, M., & Potthast, W. (2011). Shifting boundaries in sports technology and disability: equal rights or unfair advantage in the case of Oscar Pistorius?. *Disability & Society*, *26*(5), 643-654.
- Buzuvis, E. (2012). Including transgender athletes in sex-segregated sport. In *Sexual orientation and gender identity in sport: Essays from activists, coaches, and scholars*, ed. G.B. Cunningham, 23–34. College Station, TX: Center for Sport Management Research and Education.
- CCES. (2016). *Creating inclusive environments for trans participants in Canadian sport: Policy guidance for sports organizations*. Ottawa: CCES Retrieved from <http://cces.ca/gender-inclusivity>.
- CCES. (2012). *Sport in transition: Making sport in Canada more responsible for gender inclusivity: The report of a conversation of discovery, clarification, & implications among experts*. Ottawa, ON: Canadian Centre for Ethics in Sport.
- Cahn, S. (2011). Testing sex, attributing gender: What Caster Semenya means to women's sports. *Journal of Intercollegiate Sport*, *4*(1), 38-48.

- Caplan, A. L. (2010). Fairer sex: The ethics of determining gender for athletic eligibility: Commentary on 'beyond the Caster Semenya controversy: The case of the use of genetics for gender testing in sport'. *Journal of Genetic Counseling*, 19(6), 549–5
- Castillo, M. (2014, March 12). Why transgender athletes should be allowed to compete as the gender of their choice. *The Week*. Retrieved from <http://theweek.com/article/index/257832/why-transgender-athletes-should-be-allowed-to-compete-in-the-gender-of-their-choice>
- Caudwell, J. (2012). [Transgender] young men: Gendered subjectivities and the physically active body. *Sport, Education and Society*, 19(4), 1–17.
- Cavanagh, S. L., & Sykes, H. (2006). Transsexual bodies at the Olympics: The International Olympic Committee's policy on transsexual athletes at the 2004 Athens summer games. *Body & Society*, 12(3), 75–102.
- Coggon, J., Hammond, N., & Holm, S. (2008). Transsexuals in sport: Fairness and freedom, regulation and law. *Sport, Ethics and Philosophy*, 2(1), 4-17.
- Cohen, J., & Semerjian, T. (2008). The collision of trans-experience and the politics of women's ice hockey. *International Journal of Transgenderism*, 10(3/4), 133–145.
- Cooky, D. & Dworkin, S.L. (2013). Policing the boundaries of sex: A critical examination of gender verification and the Caster Semenya controversy. *Journal of Sex Research*, 50 (2): 103–11.
- Dabholkar, S. (2013). A need to intercede? The International Olympic Committee and intersexuality. *International Sports Law Journal*, 13, 55–59.
- Devries, M. C. (2008). *Do transitioned athletes compete at an advantage or disadvantage as compared with physically born men and women: A review of the scientific literature transitioned athletes compete at an advantage or disadvantage as compared with physically born men and women*. Ottawa, ON: Canadian Association for the Advancement of Women in Sport and Physical Activity.
- Donohoe, H. (2011). *Transsexuality and sport report. Report of the Womens Sports Foundation*. Retrieved from <http://www.wsf.org.uk/docs/Transsexuality.doc>.
- Dowling, C. (2001). *The frailty myth: Redefining the physical potential of women and girls*. New York, NY: Random House.
- Dreger, A. (2011, April 23). Redefining the sexes in unequal terms. *The New York Times*. Retrieved from <http://www.nytimes.com/2011/04/24/sports/24testosterone.html>
- English, J. (1978). "Sex equality in Sports." *Philosophy & Public Affairs*, 7(3): 269–277.

- Finley, A. (2005, April 19). Other campuses: NCAA working on new policy for transgender athletes. *Illinois Sport News*. Retrieved from <http://www.dailyillini.com>
- Foddy, B., & Savulescu, J. (2010). Time to re-evaluate gender segregation in athletics? *British Journal of Sports Medicine*, *45*, 1184–1188.
- Gleaves, J., & Lehrbach, T. (2016). Beyond fairness: the ethics of inclusion for transgender and intersex athletes. *Journal of the Philosophy of Sport*, *43*(2), 311-326.
- Gooren, L. J., & Bunck, M. C. (2004). Transsexuals and competitive sports. *European Journal of Endocrinology*, *151*(4), 425–429.
- Griffin, P. (2012). LGBT equality in sports: Celebrating our successes and facing our challenges. *Sexual orientation and gender identity in sport: Essays from activists, coaches, and scholars*. G.B. Cunningham, 1-12. College Station, TX: Center for Sport Management Research and Education.
- Hanna, K. E. (2012). *True sport: What we stand to lose in our obsession to win*. Colorado Springs, CO: US Anti-Doping Agency.
- Hardy, E. (2015). The female ‘apologetic’ behaviour within Canadian women's rugby: Athlete perceptions and media influences. *Sport in Society*, *18*(2), 155-167.
- Harper, J. (2015a). Do transgender athletes have an edge? I sure don't. The Washington Post, 1 April 2015. Available https://www.washingtonpost.com/opinions/do-transgender-athletes-have-an-edge-i-sure-dont/2015/04/01/ccacb1da-c68e-11e4-b2a1-bed1aaea2816_story.html
- Harper, J. (2015b). Race times for transgender athletes. *Journal of Sporting Cultures and Identities*, *6*(1), 1-9.
- Hembree, W. C., Cohen-Kettenis, P., Delemarre-van de Waal, H. A., Gooren, L. J., Meyer III, W. J., Spack, N. P., ... & Montori, V. M. (2009). Endocrine treatment of transsexual persons: an Endocrine Society clinical practice guideline. *The Journal of Clinical Endocrinology & Metabolism*, *94*(9), 3132-3154.
- Henne, K. (2014). The “science” of fair play in sport: Gender and the politics of testing. *Signs: Journal of Women in Culture and Society*, *39*(3), 787-812.
- Hipkin, L. J. (1992). The XY female in sport: The controversy continues. *British Journal of Sports Medicine*, *27*(3), 150–156.

- IAAF. (2006). *Policy on gender verification, prepared by the IAAF medical and anti-doping commission*. Retrieved at <http://www.iaaf.net/mm/document/imported/36983.pdf>
- IAAF. (2011). *Regulations governing eligibility of females with hyperandrogenism to compete in women's competition, in force as from 1 May 2011*. Retrieved from <http://www.iaaf.org/about-iaaf/documents/medical#hyperandrogenism-and-sex-reassignment>
- Ingle, S. (2016, April 17) Caster Semenya's comeback puts her on course for Rio gold – and controversy. *The Guardian*. Retrieved from <https://www.theguardian.com/sport/2016/apr/17/caster-semenya-comeback-rio-olympics-gold>
- IOC. (2004a). *IOC approves consensus with regard to athletes who have changed sex*. Retrieved from <http://www.olympic.org/medical-commission?articleid=56230>.
- IOC. (2004b). *Statement of the Stockholm consensus on sex reassignment in sport*. Retrieved from http://www.olympic.org/Documents/Reports/EN/en_report_905.pdf
- IOC. (2012). *IOC regulations on female hyperandrogenism. Lausanne: Medical and Scientific Department of the IOC*. Retrieved from http://www.olympic.org/Documents/Commissions_PDFfiles/Medical_commission/2012-06-22-IOC-Regulations-on-Female-Hyperandrogenism-eng.pdf
- IOC. (2015) *IOC consensus meeting on sex reassignment and hyperandrogenism*. Lausanne: Medical and Scientific Department of the IOC.
- IOC. (2017) “The organisation,” *International Olympic Committee*, Retrieved from <http://www.olympic.org/about-ioc-institution>
- Jonsson, K. (2007). Who's afraid of Stella Walsh? On gender, “gene cheaters”, and the promises of cyborg athletes. *Sport Ethics and Philosophy*, 1(2), 239–262.
- Jordan-Young, R., & Karkazis, K. (2012, June 18). Gender games: You say you're a woman? That should be enough. *The New York Times*. Retrieved from <http://socialdifference.columbia.edu/files/socialdiff/projects/Katrina%20Karkazis%20and%20Rebecca%20Jordan-Young%20%20Gender%20Games.pdf> (Accessed: 25 November, 2016).
- Karkazis, K., R. Jordan-Young, Davis, G., & Camporesi, S. (2012). Out of bounds? A critique of the new policies on hyperandrogenism in elite female athletes. *The American Journal of Bioethics* 12(7), 3–16.

- Kidd, B. (2011). For gender self-declaration. Paper presented at *Play the Game*, October 5, in Cologne, Germany. Retrieved from: <http://www.playthegame.org/conferences/play-the-game-2011/presentations.html>
- Krane, V., & Sullivan-Barak, K. (2012). Current events and teachable moments. *Journal of Physical Education, Recreation and Dance*, 83(4), 38–43.
- Krane, V. (2012). Broken binaries and transgender athletes: Challenging sex and gender in sports. *Sexual orientation and gender identity in sport: Essays from activists, coaches, and scholars*. (pp. 13-22). College Station, TX: Center for Sport Management Research and Education.
- Kretchmar, R. S. (1975). From test to contest: An analysis of two kinds of counterpoint in sport. *Journal of the Philosophy of Sport*, 2, 23-30.
- Kretchmar, S. & Torres, C.R. (2013). Philosophy of physical activity. In Hoffman, S.J., *Introduction to kinesiology*, 138-156. Champaign: Human Kinetics.
- Leaman, O. (1995). Cheating and fair play in sport, in W.J. Morgan and K. Meier (eds) *Philosophic inquiry in sport*, 2nd ed, 193–197. Champaign, IL: Human Kinetics.
- Lehman, C.K. (1995). Can Cheaters Play the Game?, in W.J. Morgan and K. Meier (eds) *Philosophic inquiry in sport*, 2nd ed, 283–287. Champaign, IL: Human Kinetics, 1995.
- Levy, A. (2009, November 30). Either/or: Sports, sex, and the case of Caster Semenya. *The New Yorker*. Retrieved from http://www.newyorker.com/reporting/2009/11/30/091130fa_fact_levy
- Loland, S., (2002). *Fair play in sport. A moral norm system*. London: Routledge.
- Lucas-Carr, C., and V. Krane. (2011). “What is the T in LGBT? Supporting transgender athletes through sport psychology.” *The Sport Psychologist* 25 (4), 532–548.
- Mahoney, T. Q., Dodds, M. A., & Polasek, K. M. (2015). Progress for transgender athletes: Analysis of the school success and opportunity act. *Journal of Physical Education, Recreation & Dance*, 86(6), 45-47.
- Martínez-Patiño, M. J. (2005). Personal account: A woman tried and tested. *The Lancet*, 366, S38.

- McLaughlin, D. W., & Torres, C. R. (2010). Olympism and the Olympic program: An intersubjective moral approach to sport. In R.K. Barney, J. Forsyth, and M. K. Heine (eds) *Rethinking matters Olympic: Investigations into the socio-cultural study of the modern Olympic Movement.*, 487-497. London, Ontario: The University of Western Ontario.
- McLaughlin, D.W., & Torres, C. R. (2011a). A moral justification for a more inclusive Olympic program. *Olympika. The International Journal of Olympic Studies*, 20, 55-78.
- McLaughlin, D. W., & Torres, C. R. (2011b). Sweet tension and its phenomenological description: Sport, intersubjectivity and horizon. *Sport, Ethics and Philosophy*, 5(3), 270-284.
- McLaughlin, D.W., & Torres, C. R. (2012). More than games: Olympism as a moral approach to sport. In H. Reid and M. Austin (eds), *The Olympics and Philosophy*, 101-116. Lexington, KY: University Press of Kentucky.
- McLaughlin, D. W., & Torres, C. R. (2014). A veil of separation. *International Journal of Applied Philosophy*, 28(2), 353-372.
- Meier, K. V. (1988). Triad trickery: Playing with sport and games. *Journal of the Philosophy of Sport*, 15, 11-30.
- Money, J. (1995). *Gendermaps: Social constructionism, feminism, and sexosophical history*. New York, NY: Continuum.
- NCAA, Griffin, P., & Carroll, H. J. (2011). *NCAA inclusion of transgender student-athletes*. Indianapolis, IN: NCAA Office of Inclusion.
- Padawer, R. (2016, June 28). The humiliating practice of sex-testing female athletes. *The New York Times*. Retrieved from <http://nytimes.com>
- Parry, J. (1998) Physical education as Olympic education, *European Physical Education Review*, 4(2), 153- 167.
- Parks-Pieper, L. (2012). Gender regulation: Renée Richards revisited. *The International Journal of the History of Sport*, 29(5), 675–690.
- Parks-Pieper, L. (2014). Sex testing and the maintenance of western femininity in international sport. *The International Journal of the History of Sport*, 13(31), 1557–1576.
- Puffer, J. C. (1996). Gender verification: A concept whose time has come and passed? *British Journal of Sports Medicine* 30 (4), 278-278.

- Rawls, J. (1999). *A theory of justice*. Cambridge, MA: Harvard University Press.
- Reeser, J. C. (2005). Gender identity and sport: Is the playing field level? *British Journal of Sport Medicine*, 39(10), 695–699.
- Ritchie, I., (2003). Sex tested, gender verified: Controlling female sexuality in the age of containment. *Sports History Review* 34(1), 80–98.
- Sailors, P. R., Teetzel, S. J., & Weaving, C. (2012). The complexities of sport, gender, and drug testing. *The American Journal of Bioethics*, 12(7), 23-25.
- Simon, R.L. (2010). *Fair play: The ethics of sport*, 3rd ed. Boulder, CO: Westview Press.
- Scanlon, T.M. (1998). *What we owe to each other*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Scheim, A.I., & Bauer, G.R. (2015). Sex and gender diversity among transgender persons in Ontario, Canada: Results from a respondent-driven sampling survey. *Journal of Sex Research*, 52(1), 1-20.
- Schultz, J. (2012). New standards, same refrain: The IAAF’s regulations on hyperandrogenism. *The American Journal of Bioethics*, 12(7), 32–33.
- Shani, R., & Barilan, Y. M. (2012). Excellence, deviance, and gender: lessons from the XYY episode. *The American Journal of Bioethics*, 12(7), 27-30.
- Shapiro, S. M. (2015, October 29). Chris Mosier: The definition of an athlete. *ESPN*. Retrieved from http://espn.go.com/olympics/triathlon/story/_/id/13950017/definition-athlete. (Accessed: 2016 November 25).
- Sheridan, H. (2003). Conceptualizing fair play: A review of the literature. *European Physical Education Review*, 9(2), 163-184.
- Suits, B. (1967). What is a game? *Philosophy of Science*, 34(2), 148-156.
- Sullivan, C. (2011). Gender verification and gender policies in elite sport: Eligibility and “fair play”. *Journal of Sport and Social Science*, 35(4), 400–419.
- Sykes, H. (2006). Transsexual and transgender policies in sport. *Women in Sport & Physical Activity Journal*, 15(1), 3-13.
- Sykes, H. (2011). *Queer bodies: Sexualities, genders, & fatness in physical education*. New York, NY: Peter Lang Publishing, Inc.

- Tännsjö, T. (2000). Against sexual discrimination in sports. In T Tännsjö and C. Tamburrini (eds) *Values in Sport: Elitism, Nationalism, Gender Equality and the Scientific Manufacture of Winners*, 101–115. London: E & FN Spon.
- Teetzel, S. (2006). On transgendered athletes, fairness and doping: An international challenge. *Sport in Society*, 9 (2), 227–251.
- Teetzel, S. J. (2012). Optimizing Olympic education: A comprehensive approach to understanding and teaching the philosophy of Olympism. *Educational Review*, 64(3), 317-332.
- Teetzel, S. (2014). The onus of inclusivity: Sport policies and the enforcement of the women's category in sport. *Journal of the Philosophy of Sport*, 41(1), 113-127.
- Torres, C. R. (2006). Results or participation?: Reconsidering Olympism's approach to competition. *Quest*, 58(2), 242-254.
- Torres, C. R. (2010). *The Youth Olympic Games, their programs, and Olympism*. Retrieved from http://doc.rero.ch/lm.php?url=1000,42,38,20110314150357-KM/2010_-_Torres.pdf
- Torres, C. R. (2011). Morally incompatible?: An analysis of the relationship between competitive sport and international relations at the Olympic Games. *SAIS Review of International Affairs*, 31(1), 3-16.
- Wahlert, L., & Fiester, A. (2012). Gender transports: Privileging the “natural” in gender testing debates for intersex and transgender athletes. *American Journal of Bioethics*, 12(7), 19–21.
- Wamsley, K. B. (2008). Working with transitioning and transitioned athletes in sport (February 2008). *Promising Practices: Social Science Literature on Sport and Transitioning/Transitioned Athletes in Sport Project(1st ed.)* Ottawa, ON: Canadian Association for the Advancement of Women in Sport and Physical Activity.
- Weaving, C. (2006). Up the slope without a pole: An examination of the relationship between fair play and gender norms at the 2006 Winter Olympics. In N.B. Crowther, R.K. Barney, and M. K. Heine (eds) *Proceedings International Symposium for Olympic Research: Cultural imperialism in action, Critiques in the Global Olympic Trust*, 347–354. London, ON: International Centre for Olympic Studies.
- Weaving, C. (2014). It is okay to play as long as you wear lingerie (or skimpy bikinis): A moral evaluation of the Lingerie Football League and its rebranding. *Sport in Society*, 17(6), 757-772.

Westbrook, L. (2014). Doing gender, determining gender: Transgender people, gender panics, and the maintenance of the sex/gender/sexuality system. *Gender & Society*, 28(1), 32–57.

Williams, C. (2013). Logic be damned: MMW fighter Fallon Fox and the PC conspiracy. *Transadvocate*. Retrieved from http://www.transadvocate.com/logic-be-damned-mma-fighter-fallon-fox-and-the-pc-conspiracy_n_8850.htm

Zarrett, N., & Eccles, J. (2006). The passage to adulthood: Challenges of late adolescence. *New directions for youth development*, 2006(111), 13-28.