

**Pre-publication version**

**Published in Sport, Ethics and Philosophy (2020), Volume 14, Number**

**4**

**Allyship in Elite Women's Sport**

Sarah Teetzel<sup>a\*</sup>

*<sup>a</sup>Faculty of Kinesiology and Recreation Management, University of Manitoba,  
Winnipeg, Canada*

\*sarah.teetzel@umanitoba.ca

## **Allyship in Elite Women's Sport**

Throughout 2019, retired athletes Martina Navratilova (tennis), Sharron Davies (swimming), Kelly Holmes (athletics) and Paula Radcliffe (marathon) all spoke publically about what they perceive to be the unfairness of transwomen competing in women's elite sport. These successful athletes, all with a history of growing and promoting women's sport, were simultaneously celebrated for sharing their thoughts on a complex issue, and labelled transphobic for expressing anti-inclusive and transphobic views. Navratilova, particularly, despite her long history of fighting for inclusion and to end homophobia in sport, faced a severe backlash for expressing anti-trans rhetoric. This paper examines the concept of feminist allyship in the context of inclusion and fairness in sport. Conceptual clarification of what allyship involves and requires precedes an examination of whether athletes are obliged to promote inclusive sport. I argue that elite women athletes have an obligation to promote women's sport, but not one that extends as far as a requirement to actively act as allies. Being mandated to act as an ally, without full commitment, does more harm than good. To support this conclusion, I argue that: 1) past and present trans athlete eligibility rules endorsed by the IOC are problematic; 2) the typical arguments from unfairness and performance advantages fail to demonstrate why trans athletes should not be welcome to compete; but 3) a requirement of allyship requires more from women athletes than we can reasonably expect. Athletes thus are entitled to express their views, but sports organizations should be responsible for providing education to all athletes on the science and ethics of trans athlete inclusion.

Keywords: transgender; trans; women and sport; gender; allyship

### **Introduction**

Transgender (hereafter trans)<sup>1</sup> athlete inclusion has been a hot topic in sport ethics for nearly two decades,<sup>2</sup> and the topic remains an incredibly divisive issue. Questions of who ought to count as a woman are not new (Schneider 2000) and continue to be debated in the feminist literature. For example, Diaz-Leon explains recently:

At first sight (and for many ordinary speakers), the term woman seems to function mostly as a sex term, that is, the term woman is supposed to refer to those who are biologically female, in the same way that the term man is supposed to refer to those who are biologically male. But as many feminist theorists have argued, this is problematic for several reasons, such as those having to do with intersex and transgender people (Diaz-Leon 2016, 245-246).

In sport, the terms "women" and "female" are often used synonymously without thought to what each term connotes and denotes. When deliberating over who counts as a woman, Summersell (2018) recommends that we first reflect on the following considerations:

1. Decide why we want to know who counts as a woman.
2. Define the universal Woman in such a way as to support our objective for wanting to know.
3. Consider intersectional mediations in the ontological nature of women that

add complexity to the situation – with the aim of either ameliorating complications or enhancing advantages offered by those mediations – in order to support the original goal.

4. Be aware that some complications may be overcome by choosing different Labels altogether, more in line with the original objectives (Summersell 2018, 335).

In sport, the rationale for defining “women” seems to be preserving and gatekeeping the women’s category. Definitions of “woman” have a long history of being applied by sport governing bodies to determine who should compete in the men’s events, who should compete in the women’s competitions, and whether trans women, and women with hyperandrogenism conditions, ought to be welcome to compete in the women’s events in elite sport (Parks Pieper 2016).

Since the early 2000s, the number of scientific, legal, social, and ethical analyses of “what to do about” trans athletes has proliferated. Most major newspapers, high impact factor journals with large readership, as well as more specialized journals dedicated to the philosophy, sociology, law, and ethics of sport, among others, have published op-eds and essays addressing the subject.<sup>3</sup> The public’s fascination with trans athletes has grown alongside the scholarly publications, owing in part to the success of trans athletes like Veronica Ivy<sup>4</sup> and Chris Mosier,<sup>5</sup> and by Olympian Caitlin Jenner’s widely publicized transition. Jenner, the gold medallist in the men’s decathlon in 1976 at the Olympic Games in Montreal, took part in the popular reality television show *Keeping Up with the Kardashians* and came out as a trans woman in 2015. She subsequently starred in her own reality television series chronicling her gender transition. Laurel Hubbard, a New Zealand weightlifter, has the potential to become the first openly trans woman to qualify for the Olympics if she continues on her trajectory to qualify for the Tokyo Olympic Games in the women’s +87 kg weightlifting competition (Ennis 2019). Both Ivy and Hubbard face vicious backlash for their success, with Ivy acknowledging that despite following all rules set by the International Olympic Committee (IOC), Union Cycliste Internationale (UCI), and World Anti-Doping Agency (WADA), she receives a constant torrent of abuse on social media, including death threats (McKinnon 2019b).

Given the increased visibility of a few elite trans athlete, it is unsurprising that athletes, sports administrators, sports fans, and members of the general public have opinions on the fairness of including trans athletes in elite sport, particularly with respect to trans women’s eligibility to compete in elite women’s events.<sup>6</sup> This paper examines whether athletes have an obligation to promote their trans athlete peers’ inclusion in sport. Touching on issues of free speech, allyship, obligations, inclusion, and fairness, in what follows I examine whether athletes are obliged to promote trans-inclusive sport. I argue that while women athletes have an obligation to promote women’s sport, it does not extend as far as a requirement of active allyship toward trans athlete inclusion. This is because merely going through the motions of allyship causes more harm than good. To support this conclusion, I argue that: 1) past and present trans athlete eligibility rules endorsed by the IOC are problematic; 2) the typical arguments from unfairness and performance advantages fail to demonstrate why trans athletes should not be eligible to compete; but 3) a requirement of allyship requires more from women athletes than we can reasonably expect. Athletes thus are entitled to express their views, but sports organizations should be responsible for providing education to all athletes on the science and ethics of trans athlete inclusion.

## **Past and Current Regulations**

In 2015, the IOC modified its inaugural trans eligibility requirements, which had been in force since 2003 (IOC 2004). The original regulations, known simply as the Stockholm Consensus, came into effect prior to the Athens 2004 Olympic Games, and listed a set of eligibility requirements trans athletes had to meet to be deemed by a committee of experts eligible to compete.<sup>7</sup> The 2015 update, which requires trans women to suppress their blood testosterone level to below 10 nmol/L for a minimum of 12 months (IOC 2015), addresses several of the criticisms levelled at the original Stockholm Consensus criteria. Prior to the update, a trans woman seeking to compete in the Olympics had to undergo gender confirming surgery, suppress and manipulate her hormones for a minimum of two years, and obtain legal recognition of her gender (IOC 2004).

The 2003 regulations were critiqued by some medical professionals, legal experts, human rights advocates, trans activists, and researchers as too restrictive, potentially medically dangerous, and impossible for athletes whose legal systems will not reissue identity documents following transition (Teetzel 2017b). When only an estimated 20 to 25% of trans women and 21% of trans men elect to get any surgery as part of their transition (Schein and Bauer 2015), requiring surgery for sports eligibility is indefensible. Roughly three out of four trans individuals do not choose to have surgical interventions, due to the availability of surgeons capable of performing the procedures, the costs associated with procedures, and the potential pain and risks associated with any invasive surgery requiring general anaesthetic, among other reasons (Schein and Bauer 2015). These statistics highlight why the old rules were problematic based on accessibility, costs, risks, and human rights. Removing the requirements of surgery, legal recognition, and a mandatory second year of hormonal suppression prior to competing addressed many of the medical, legal, and human rights concerns levelled at the Stockholm Consensus regulations; however, the loosened regulations raise much ire and angst among some athletes, sports fans, and scholars. Critics of the new regulations maintain that one year of testosterone suppression does not negate or eliminate the advantages associated with male physiology, generally, and with testosterone, specifically, and thus the rules are unfair to cisgender women athletes.

Opposition to the new regulations can be found in a variety of sources. For example, The Times reporter Janice Turner described the 2015 changes to trans athlete eligibility as ‘great news—unless you are a woman athlete,’ in a piece that argued men would soon take over women’s sport (Turner 2016). Turner’s slippery slope argument is not unique and needs to be taken seriously. As Sharron Davies (the silver medallist in the 400 IM at the 1980 Olympic Games in Moscow) claims, some women athletes feel silenced and unable to voice their opposition to the new regulations in fear of being labelled transphobic and intolerant.

Davies maintains an active Twitter account from which she tweeted in March 2019 that she had sent a letter to the IOC requesting ‘more research into residual benefits of transition in transgender sport’ (Ennis 2019). The rationale she provided is that ‘we ALL need a safe and fair place to compete’ (BBC Sport 2019). Davies publically defended her view that ‘to protect women’s sport, those with a male sex advantage should not be able to compete in women’s sport’ (Ingle 2019). Marathoner Paula Radcliffe’s opposition to trans athletes competing in women’s sport is clear as well. According to Radcliffe, the inclusion of trans women ‘makes a mockery of the definitions of male and female sports categories’ (Ingle 2019). Kelly Holmes, gold medallist in the 800m and 1500m at the Athens 2004 Olympic Games, expresses similar sentiments. Noting she has received considerable support from elite athletes privately, Davies tweeted out a request for additional athletes to come forward publically to

support her, Holmes, and Radcliffe's shared position opposing the inclusion of trans women in elite sports competitions (BBC Sport 2019). In justifying her call for support, Davies claimed: 'it will take female athletes "being thrown under the bus" at Tokyo 2020 before changes are made to transgender rules' (Magowan 2019).

In an Op-Ed in the Sunday Times, published 17 February 2019, tennis superstar Martina Navratilova referred to trans women as men, and evoked the language of 'cheating' to justify her opposition to trans women competing in women's sports (Navratilova 2019). Athlete Ally, an organization dedicated to creating LGBTQ inclusive sport environments, and with which Navratilova had until that time served as both an ambassador and member of the organization's advisory board, responded quickly with a blunt press release, noting:

Athlete Ally unequivocally stands on the side of trans athletes and their right to access and compete in sport free from discrimination. Martina Navratilova's recent comments on trans athletes are transphobic, based on a false understanding of science and data, and perpetuate dangerous myths that lead to the ongoing targeting of trans people through discriminatory laws, hateful stereotypes and disproportionate violence. As an organization dedicated to addressing root causes of homophobia and transphobia in and through sport, we will only affiliate with those committed to the same goal, and not those who further misinformation or discrimination in any way (Hoffman 2019, 1).

Navratilova was stripped immediately of her position on the advisory board and as an ambassador of the organization. She eventually apologized for her statement, clarifying that she did not mean to describe all trans athletes as 'cheats,' but intended to convey that she considers an athlete who 'cynically changes gender, perhaps temporarily, to gain a competitive advantage' as a cheater, cautioning 'We should not be blind to the possibility and some of these rules are making that possible and legal' (Ingle 2019).

People celebrating Navratilova, Davies, Holmes, and Radcliffe's public statements hold them up as courageous, and even heroic, athletes. All four have been praised for sharing their views and for not being intimidated to discuss their concerns publically. Radcliffe explains, 'People are scared to talk about the issue. But I believe protecting women's sport is important' (Ingle 2019). Despite the ample media attention that Radcliffe, Navratilova, Davies, Holmes and others have received, they continue to push the narrative that their voices are being silenced and ignored. Radcliffe also publically called for 'a halt to the "attacking and bullying" which she believes has existed between groups and individuals with contrasting views' (BBC Sport 2019).

Echoing these formidable retired women athletes, Myron Genel, an endocrinologist at Yale University who has served as a consultant to the IOC with respect to sex testing and gender identity for decades, summarizes the concerns brought forward to the IOC medical and scientific commission. He explains that fears exist that trans women with 'intact gonads' may strategically and manipulatively alter their testosterone suppression drugs to enhance training at times they expect not to be selected for testing. On the other hand, he explains critics of the new regulations also allege trans women with 'removed gonads' may seek to increase their blood testosterone levels up to the limit of the 10 nmol/L threshold with a therapeutic use exemption for exogenous testosterone. Because of these fears about some trans women's potentially manipulative behaviour, regardless of whether they have undergone gonadectomy surgery, Genel reports representatives from several international federations and WADA believe that the testosterone limit ought to be lower (Genel 2018, 3).

Hostility to the new regulations falls into two broad categories: 1) opposition to the process used to create the rules, and 2) opposition to easing the medical and legal requirements trans athletes need to meet in order to participate. Objections to the development and implementation of the new regulations focus on the science and the composition of the decision-making bodies. Concerns of this nature question whose views are privileged and whose views are silenced. Policies coming from the IOC's medical and scientific committee, 'have been initiated, approved and implemented with very little of the scientific rigour, critical peer review, consultation with those affected and concern for human rights that one would expect from governing bodies whose rules significantly affect large numbers of people around the world' (Kidd 2018, 774).

Many people who oppose the content of the new regulations ridicule the new policy, believing all a male athlete has to do to compete in the women's category is declare himself a woman for a year. However, there is zero evidence that any male athlete would start living his life as a woman, simply to win medals or make a point (Kidd 2011; Parks Pieper 2016). As Ivy argues, 'Since the 2004 Athens Olympics, there have been over 54,000 Olympians. Not one of them has been openly trans. There also weren't any cases of men pretending to be (trans) women' (McKinnon 2019a).<sup>8</sup> Moreover, this hypothetical is enormously offensive to the lived realities of trans people, who face staggeringly high rates of violence and abuse simply for living as their self-identified gender (Edkins et al. 2018; Hutton 2015; Taylor et al. 2016). The barriers that trans youth face in physical education, community sport, and elite sport are increasingly recognized as more researchers reach out to members of the trans community to gain insight into their lived experiences in sport (Anderson & Travers 2017; Elling-Machartzki 2015; Hutton 2015; Jones, Arcelus, Bouman, & Haycraft 2017a; Krein, Krane, & Paule-Koba 2018; Teetzel 2017a). When sport-governing bodies condone assumptions that trans women have performance advantages compared to cis women they 'further assume that women are physiologically inferior to male athletes and need a separate space to compete and ensure fair play' (Fischer and McClearen 2020, 4). These views are rooted in a perceived need to protect women's sport. Arguments supporting these views tend to involve claims of unfairness and performance advantages to ground an opposition to trans women competing in women's events.

### **Reframing the Unfairness and Performance Advantage Arguments**

Arguments that trans women possess unfair performance advantages tend to focus on testosterone.<sup>9</sup> The IOC's 2015 consensus statement reinforces long-held beliefs that testosterone is the key variable that distinguishes men and women (Sudai 2017). This argument has been well developed by Karkazis and Jordan-Young (Jordan-Young and Karkazis 2019; Karkazis and Jordan-Young, 2013, 2015; Karkazis et al. 2012) who argue, across multiple platforms, that the relationship between functional testosterone and athletic performance is correlational, not causal. With respect to the impact of testosterone on athletic performance, they caution, 'one common error is confusing correlation for causation—for example, men have the highest testosterone levels and the fastest times, so testosterone must be what causes the performance boost' (2013, 66). A more accurate way of framing the role of testosterone in athletic performance is to view 'testosterone and physical performance as two ingredients within a complex, dynamic, and recursive system of influence' (Karkazis & Jordan-Young 2013, 66) as many unknowns remain regarding how and to what extent testosterone impacts athletic performance. Paul Melia, the CEO of the Canadian Centre for Ethics in Sport, pointed

out as an expert witness in Dutee Chand's Court of Arbitration for Sport case against the IAAF that there are countless ways in which competitors gain performance advantages over each other. Hundreds of genes contribute to athletic performance, so to single out testosterone level, and then ignore all social factors, including access to the best coaches and high tech training environments, is unjustifiable discriminatory.

Those who maintain that testosterone level is an effective demarcating criterion distinguishing men and women tend to misrepresent Karkazis and Jordan-Young's position and accuse them of claiming testosterone has no impact on athletic performance or no significant impact. This strawman representation is a tactic used to dismiss their work and write it off as preposterous, despite the growing research literature that supports their views.<sup>10</sup> While consensus in the literature has not been established, Jones, Arcelus, Bouman, and Haycraft's (2017b) systematic review of the research literature addressing trans athletes' participation in sport found that 'there is no direct or consistent research suggesting transgender female individuals (or male individuals) have an athletic advantage at any stage of their transition' (701). Their conclusion echoes findings published over a decade ago that declared the evidence available at the time to support any potential performance advantages or disadvantages following transition to be inconclusive (Devries 2008). The very limited peer-reviewed science can be used selectively by either side of this debate to show that trans women do and do not have performance advantages in sport.

The dearth of experimental design studies that have gone through rigorous peer review is slowly being addressed. A group of physiologists at Otago University in New Zealand recently argued that inclusion for trans women comes at the expense of fairness for cis female athletes (Caldwell 2019). Their argument hinges on the belief that prior exposure to testosterone matters, as well as the concern that a 10 nmol/L testosterone threshold for women is too high because it permits trans women with ten to 20 times higher testosterone than an average cis woman to compete in women's events (Anderson, Heather, and Knox 2019a). A member of the research team, physiologist Alison Heather, told reporters 'We need to have conversations about it and not sweep it under the carpet because more and more female athletes are getting affected at all levels of sport' (Caldwell 2019). Invoking the concepts of 'tolerable unfairness' and 'intolerable unfairness' to frame debate on trans athletes' potential advantages, they posit that the ethical issue is not whether trans women compete with an advantage, but whether the advantage they possess is tolerable or intolerable (Knox, Anderson, and Heather 2019a, 395). What this research team's studies show is that even some groups of physiologists see the issue as an ethical and political one, not merely a physiological one.

Unsurprisingly, the authors report that reactions to their paper and subsequent media coverage of their work ranged from congratulatory to ardently hostile. The three researchers took to the *Journal of Medical Ethics Blog* to defend themselves against claims of being trans exclusionary radical feminists and/or gender critical feminists for suggesting trans women ought not to compete in elite women's competitions.<sup>11</sup> Reflecting on the criticism they received, they noted: 'Some reject the science, arguing that transwomen do not have an advantage. Others accept the science but reject the ethical arguments. Others accept the science and the ethical arguments, but don't like our solution' (Knox, Anderson, and Heather 2019b). Clarifying their position, they argue that we can simultaneously support including trans women in sport under the IOC's regulations and still question if the rules, and the binary sport system itself, are structured correctly. They conclude that trans athletes ought to be able to compete

without facing heckling or abuse, but so too should researchers who question the current regulations (Knox, Anderson, and Heather 2019b).

Trans rights activists dismiss the authors of studies like Knox, Anderson, and Heather's as transphobic. As Ivy argues, 'proving a negative is literally impossible, people who oppose trans women's inclusion can forever demand "more study" and the need for "more evidence" before they'll relent' (McKinnon 2019c, 11). On the other hand, how many studies showing performance advantages persist following transition would be needed to convince trans rights activists that trans women might retain competitive advantages? The number of empirical studies examining whether or not trans women do not compete with significant advantages is low (Pitsiladis et al. 2016). Is it likely that anyone who remains unconvinced would be convinced after another 10 studies? After another 100 studies? Or after another 1000 studies? At what point can scientists declare the empirical data sufficient to confirm or deny the 'unfair advantage' argument?

Given the small potential sample sizes of elite trans athletes, and the impact of participants' status as trained or untrained both before and after transitioning, the lack of studies is not surprising. In an opinions piece published in the Washington Post, Joanne Harper describes her experiences running in a national masters championships in the United States, more than a decade after transitioning. Her reflections highlight the transphobic vitriol she faced as she notes, 'for some people, no variable matters as much as gender assigned at birth. They can't get past the idea that I'm a man trying to profit in a woman's sport' (Harper 2015a). Harper is now studying trans athletes' performance measures before and after testosterone suppression (2015b); however, she notes it took seven years to recruit eight participants into a pilot study. Ivy stresses that from a human rights perspective, the default cannot be 'exclude trans women until we have more evidence about there not being a competitive advantage.' Rather, the default ought to be 'include trans women unless we have sufficient evidence to justify discrimination in an international human rights framework' (McKinnon 2019b, 13).

An oft-cited objection to trans women's participation in elite sport is that athletes retain unfair physiological advantages associated with testosterone. This assumption remains despite increasing recognition that 'testosterone is not the one-stop shop of athleticism' (Karkazis and Jordan-Young 2013, 67). The unfairness argument hinges on the idea that 'a transgender woman's prior life as a male gives her an unfair advantage' stemming from 'anatomical and biological features, such as size, muscle mass, and even lung capacity' (Pitsiladis et al. 2016, 386). To remove perceived unfair advantages, Knox, Anderson, and Heather (2019a) as well as Bianchi (2017), propose ideas such as modifying sport's gender binary and replacing it with a system of categorization, similar to that employed by the International Paralympic Committee, based on a to-be-developed algorithm intended to be inclusive of a variety of measurements, including testosterone and gender identity. Solutions of this nature introduce new categories of competition to replace the conventional men's and women's categories, and continue gatekeeping the women's category. Bianchi, for example, argues that trans women should be permitted to compete in women's events, but a handicap system ought to be introduced, which would consider each and every athlete's testosterone level as well as other genetic advantages (Bianchi, 2017). The rationale provided for this radical change to sport is to preserve Robert Simon's skill thesis. To ensure sport continues to be based on skillfulness, as per Simon's description of sport as determining the most skillful competitor, unfair factors, such as equipment or in this case hormonal advantages, must be mitigated. Bianchi contends that to concurrently uphold the skill thesis and include trans women in women's elite events,

we must introduce a handicap for athletes whose functional testosterone level exceeds the norm of their competitors (Bianchi 2017, 231).

To argue that new, third, or other categories are needed in sport, one must seemingly believe that either trans women aren't *really* women, or that trans women are women, but not women who belong in the women's category of sport. This reasoning may appeal to gender critical feminists who maintain that trans women have unfair advantages and should be excluded. However, if we reframe the debate and begin the discussion with the understanding that: 1) trans women are women (Serano 2012); 2) the limited scientific research published to date has not led to a consensus view that trans athletes compete with performance advantages; and 3) the women's category does not need protecting from men masquerading as women given the zero incidence of men trying to 'fool' the system to win women's races, then one can question why the skills thesis is in doubt. Objections to the first premise may involve fundamental differences in worldviews, but the second and third premises seem well supported by the scientific, historical, and sociological literature.

### **Requirements of Allyship**

Given the above three premises, do women athletes have an obligation to welcome trans women into elite sport? Is an expectation that women athletes will act as allies to trans women seeking to compete in sport reasonable? An examination of the requirements of allyship is needed to address these questions.

Anicha, Bilén-Green, and Burnett (2018) distinguish allyship, advocacy and accountability while noting all three are required for social justice. They define allyship as 'entering into relationships to pursue shared goals,' advocacy as 'taking action in support of a cause,' and accountability as 'a perspective that includes concomitant expectations of responsibility for action on behalf of justice' (154). On this view, allyship and advocacy both require accountability. An advocate will seek out education on the issue, work to foster change, and ensure fair and equitable treatment. Allies can strive to become advocates after sufficient listening, learning, and familiarity with the issues at play. However, allies must exhibit 'a real commitment to do the right thing without wanting to be given liberal credit for doing the right thing. It requires us to interrogate our privilege and not think we know better or just as well as those who clearly are at the ground-zero of the oppression in question' (Shaw 2018, 531). Research examining cis heterosexual allies who fight for LGBTQ+ equality suggests that allies often are motivated by one of two factors: 1) having personal relationships or professional interactions with individuals who identify as LGBTQ+, or 2) valuing justice and civil rights as fundamental principles (Russell 2011).

The requirements of allyship go beyond simply declaring yourself to be an ally (Shaw 2018). Words that do not lead to actions are ineffective when devoid of active listening and solidarity. Courses on how to be an ally are readily available for interested individuals to the point where 'Ally has become an identity, disembodied from any real mutual understanding of support. The term ally has been rendered ineffective and meaningless' (Indigenous Action 2014, 2). On this view, to enact positive and meaningful change, one must not merely declare one's self to be an ally, but also act as an accomplice. Being an accomplice involves engaging and active support, even if it requires personal risk, as the 'risks of an ally who provides support or solidarity (usually on a temporary basis) in a fight are much different than that of an accomplice. When we fight back or forward, together, becoming complicit in a struggle toward liberation, we are accomplices' (Indigenous Action 2014, 2). In line with these views, Ivy advocates

replacing ally culture because ‘someone can claim to be an “ally” without ever engaging in behavior to help those they claim to support.’ In other words, to call one’s self an ally, ‘Mere expression of support, without meaningful action, is sufficient’ (McKinnon 2019a, 286). The key distinctions are taking action and taking on personal risk in solidarity with an oppressed group.

Should cis women athletes be required to foster inclusion in sport through supporting trans women’s presence in elite sport competitions? If we accept that we can have special obligations to people with whom we have special relationships, we can ask what obligations women athletes have to other women athletes competing in elite sport.<sup>12</sup> Are fellow athletes sufficiently similar to our friends, family members, colleagues, etc. to warrant considering them part of the category of people to whom we owe special obligations? Viewing fellow competitors as compatriots raises the issue of how much partiality they are owed merely for agreeing to compete with us and take the same test (Kretchmar 1975; Miller 2005). Athletes can be viewed as in professional relationships with each other (Almond 2005) as a result of their membership in the exclusive category of elite athletes. If such obligations exist for elite women athletes, what might they include? It seems reasonable to expect women athletes to fight for equal pay (Archer and Prange 2019), and to rid sport of harassment and abuse (Brackenridge and Fasting 2008; Solstad 2019). Can trans women competing in elite sport expect their peers to act as allies and advocate for them?

Another way of asking the questions is if athletes who silently condone or participate in the bullying trans athlete face are morally justified in doing. It would be difficult to make a case that those who actively contribute to abuse, online or in-person, are acting in morally acceptable ways. However, it is not as clear cut for athletes who silently condone or actively resist including trans athletes but in more respectful ways, such as through letters to the IOC. If working to bar trans women athletes from competing in elite sport actively benefits a current competitor’s rankings or opportunities, that woman can be seen as acting from jealousy, fear, or ignorance. However, with respect to retired athletes, like Navratilova, Davies, Holmes, and Radcliffe, it is harder to see how they would actively benefit from perpetuating injustices.<sup>13</sup> However, stifling athletes and retired athletes’ voices and free speech is far from the solution.

Actions that are good, but beyond what is morally expected, are known as supererogatory. Acts of this nature can be considered beyond what is necessary, more than morality requires, and ‘paying out more than is due’ (Heyd 2019). Acts of supererogation are thus often considered praiseworthy but non-obligatory. The concept of supererogation, although problematic to philosophers for a number of reasons (Archer 2016) is useful in thinking through athletes’ actions or lack of actions in support of the inclusion of their peers. Going beyond the call of duty is, of course, not an expectation that one can reasonably expect of others (Mellema 1991). There does not seem to be good grounds to support the idea that women athletes must act as allies for transgender inclusion if they are not, in fact, allies. One cannot be required to be an engaged and active ally. Athletes need to be able to exercise their freedom of speech and not be stifled. However, this leaves trans athletes in a vulnerable position. Research is needed to understand athletes’ opposition to trans-inclusive sport. There is a disconnect present if one agrees that trans women are women, that the scientific literature lacks consensus on whether trans athletes compete with performance advantages after a year of hormone suppression, and that the likelihood men will pretend to be women in order to flout the eligibility rules is low to non-existent, yet *still* is unwilling to welcome trans women in elite sports competitions.

Athletes cannot be held responsible for changing societal attitudes toward trans inclusion. As the “bathroom debates” in both the United States and United Kingdom demonstrate, transphobia remains rampant in society and many people’s rights remain under attack (Serrano 2012). Forced allyship is counterproductive as it is deceitful, unjustifiably paternalistic, and can lead to further hostility and danger directed at trans athletes. There needs to be space for athletes to discuss their concerns and fears, but also to access credible, peer-reviewed research on the science and ethics of trans athlete eligibility.

## **Conclusion**

Framing the analysis of trans inclusion in sport with an anti-oppression orientation (Scott-Dixon 2009) rather than as a problem sport needs to solve, encourages us to ask different questions. Before weighing in on the ethics of trans eligibility in elite women’s sport, athletes, sports administrators, fans, and scholars need to reflect on our privilege, biases, and assumptions. The qualitative research involving trans athletes as participants suggests that trans athletes would not compete if they did not think it was fair to do so (Harper 2015a, 2015b; Klein, Krane and Paule-Koba 2018; Teetzel 2017a). While this view might be considered naïve given the extent of the external rewards available through sport success, it is consistent with the historical and sociological literature that suggests we do not need to fear ‘imposters’ masquerading as women for the purpose of athletic success (Parks Pieper 2016).

Given the IOC’s 2015 regulations remain in place, whether one agrees with them or disagrees with them, we need to be concerned about the verbal and mental abuse trans athletes face for simply showing up to participate. The sport world is not exempt from the ‘responsibility to speak out against abusive situations. To stay quiet when others are abused, is to be complicit in their abuse’ (Summersell 2018, 335). To argue that if trans athlete do not want to be abused, they should stay at home and not try to participate, or they should participate as their sex assigned at birth, is unacceptably discriminatory.

Support for trans women’s rights to compete in elite women’s events comes from myriad sources. In Canada, in 2012 the Canadian Centre for Ethics in Sport (CCES) and the Canadian Association for the Advancement of Women in Sport (CAAWS; now known as Canadian Women & Sport) called for gender self-declaration to be the only eligibility condition for competing in women’s events (CCES 2012). Canadians have not witnessed a “take-over” of women’s sport by “male imposters, as many critics feared. More recently, the CCES and CAAWS, together with AthletesCAN, an organization consisting of current and former national team members committed to ensuring athletes’ voices and feedback are present in debates impacting athletes, expressed deep concern with the Court of Arbitration for Sport’s decision that the IAAF (now World Athletics) can impose testosterone limits for women competing in certain events. Speaking on behalf of the three organizations, Allison Sandmeyer-Graves, the CEO of CAAWS, explained: ‘Sport does not benefit from exclusion, especially of those who are most marginalized... The IAAF’s pursuit of fair competition is understandable; however, the continued preoccupation with establishing a standard of ‘femaleness’ is deeply offensive and harmful. It is at odds with our belief in the core value of inclusion and the rights of all women to participate fully in sport free from discrimination’ (CCES, 2019).

Anicha, Bilen-Green, and Burnett point out, ‘those among us to whom privileges accrue are too often unaware and undereducated. Until those of us with unearned

advantage hold ourselves accountable to/with persons experiencing unearned disadvantage, we cannot fully comprehend the injustices of the world, or hope to engender justice' (2018, 157). What is needed is open debate, respectful debate, and recognition of the privileges and biases we bring to our analyses. Policymaking groups need to include several trans and cis athletes as full voting members as no athlete should be expected to speak for all athletes. Those persistent in their views that trans women ought not to compete with cis women in elite women's categories would benefit from talking to trans women, getting to know trans athletes, and reading the qualitative research that delves deeply into trans athletes' experiences, motivations, and reasons for participating in sport. While it is unreasonable to expect athletes and retired athletes to act as allies for trans women's inclusion, we can ask that they educate themselves on the science and ethics of trans athletes' inclusion and experiences in sport.

### **Acknowledgments**

This paper draws on research supported by the Social Sciences and Humanities Research Council. The author thanks Pam R. Sailors for raising several objections this paper attempts to address.

### **References**

- ALMOND, B. (2005). Reasonable partiality in professional relationships. *Ethical Theory and Moral Practice* 8: 155–168.
- AMERICAN PSYCHOLOGICAL ASSOCIATION. (2015). Guidelines for psychological practice with transgender and gender nonconforming people. <http://www.apa.org/practice/guidelines/transgender.pdf>
- ANDERSON, E. and A. TRAVERS. 2017. *Transgender athletes in competitive sport*. London: Routledge.
- ANICHA, C.L., C. BILEN-GREEN and A. BURNETT. 2018. Advocates or allies: The succession of a good idea or what's in a meme? *Studies in Social Justice* 12 (1): 152-164.
- ARCHER, A. 2016. Are acts of supererogation always praiseworthy? *Theoria* 82: 238–255.
- ARCHER, A. and M. PRANGE. 2019. Equal play, equal pay: Moral grounds for equal pay in football. *Journal of the Philosophy of Sport* 46 (3): 416-436.
- BBC SPORT. 2019. Dame Kelly Holmes, Paula Radcliffe and Sharron Davies to write to IOC over transgender athletes. *BBC Sport*, 18 March. Available at <https://www.bbc.com/sport/47608623>
- BECKER, J. 2017. Active allyship. *Public Services Quarterly* 13 (1): 27-31.

- BERMON, S., P.V. GARNIER, A.L. HIRSCHBERG, N. ROBINSON, S. GIRARD, R. NICOLI, N. BAUME et al. 2014. Serum androgen levels in elite female athletes. *Journal of Clinical Endocrinology Metabolism* 99 (11): 4328-4335.
- BIANCHI, A. 2017. Transgender women in sport. *Journal of the Philosophy of Sport* 44 (2): 229-242.
- BIRRELL, S. and C.L. Cole. 1990. Double fault: Renée Richards and the construction and naturalization of difference. *Sociology of Sport Journal* 7 (1): 1–21.
- BRACKENRIDGE, C. and K. FASTING. 2008. Sexual harassment and abuse in sport: The research context. *Journal of Sexual Aggression* 8 (2): 3-15.
- BUTT, D. 2007. On benefitting from injustice. *Canadian Journal of Philosophy*, 37: 129–152.
- CALDWELL, O. 2019. Researchers claim testosterone cap won't fix trans athletes' 'unfair advantage'. *Stuff*, 17 July. Available at <https://www.stuff.co.nz/sport/other-sports/114291291/otago-university-researchers-call-for-new-sporting-categories-due-to-trans-athletes-unfair-advantage>
- CAUDWELL, J. 2012. [Transgender] young men: Gendered subjectivities and the physically active body. *Sport, Education, and Society* 19 (4): 1–17.
- CAVANAGH, S.L. and H. SYKES. 2006. Transsexual bodies at the Olympics: The International Olympic policy on transsexual athletes at the 2004 Athens Summer Games. *Body & Society* 12: 75–102.
- CCES. 2019. CCES, CAAWS and AthletesCAN very concerned with the CAS ruling on IAAF's eligibility regulations for female classification. *CCES News Centre*, 2 May. Available at <https://cces.ca/news/cces-caaws-and-athletescan-very-concerned-cas-ruling-iaafs-eligibility-regulations-female>
- CCES. 2016. *Creating inclusive environments for trans participants in Canadian sport*. Ottawa: CCES. Available at <http://cces.ca/sites/default/files/content/docs/pdf/cces-transinclusionpolicyguidance-e.pdf>
- CCES. 2012a. *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.
- CCES. 2012b. "Sport in transition" paper supports the rights of transgender and intersex athletes. *CCES News*. 23 October. Available at <https://cces.ca/news/sport-transition-paper-supports-rights-transgender-and-intersex-athletes>
- COGGON, J., N. HAMMOND and S. HOLM. 2008. Transsexuals in sport-Fairness and freedom, regulation and law. *Sport, Ethics and Philosophy* 2 (1): 4–17.

- DIAZ-LEON, E. 2016. Woman as a politically significant term: A solution to the puzzle. *Hypatia* 31 (2): 245-258.
- 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*. Ottawa: AthletesCan. Available at <http://athletescan.com/wp-content/uploads/2011/03/Do-Transitioned-Athletes-Compete-at-an-Advantage-or-Disadvantages-compared-with-Physically-Born-Men-and-Women-A-Review-of-the-Scientific-Literature2.pdf>
- EDKINS, T., T. PETER, C. TAYLOR, F. CORMIER, and J. RISTOCK. 2018. Does it get better? Childhood bullying and the positive mental health of LGBT Canadians in adulthood. *Journal of Social Sciences* 14: 70-80.
- ELLING-MACHARTZKI, A. 2015. Extraordinary body-self narratives: Sport and physical activity in the lives of transgender people. *Leisure Studies* 36 (2): 256–268.
- ENNIS, D. 2019. British sports legends petition IOC to study ‘fairness’ of including transgender athletes. *Outsports*, 19 March. Available at <https://www.outsports.com/2019/3/19/18272508/female-sports-fairness-ioc-olympics-transgender-athletes>
- EPSTEIN, D. and A. DREGER. 2014. Testosterone in sports. *The New York Times*, 16 April. Available at <http://www.nytimes.com/2014/04/21/opinion/testosterone-in-sports.html>
- FISCHER, M. and J. McCLEAREN. (2020). Transgender athletes and the queer art of athletic failure. *Communication & Sport* 8 (2): 147-167.
- FRIEDLAENDER, C. and R. McKINNON. 2020. A defense of intentional microaggressions and microaggressive harassment: The fundamental attribution error, harassment, and gaslighting of transgender athletes. In L. Freeman & J. Weekes Schroer (eds.) *Microaggressions and Philosophy*. New York: Routledge.
- GENEL, M. 2017. Transgender athletes: How can they be accommodated? *Current Sport Medicine Reports* 16 (1): 12-13.
- GOOREN, L. and M. BUNCK. 2005. Transsexuals and competitive sports. *European Journal of Endocrinology* 151 (4): 425-429.
- HARGIE, O.D.W, D.H. MITCHELL and I.I.A. Somerville. 2015. ‘People have a knack of making you feel excluded if they catch on to your difference’: Transgender experiences of exclusion in sport. *International Review for the Sociology of Sport* 52 (2): 223-239.
- HARPER, J. 2015a. Do transgender athletes have an edge? I sure don’t. *The Washington Post*, 1 April. Available at

[https://www.washingtonpost.com/opinions/do-transgender-athletes-have-an-edge-i-sure-dont/2015/04/01/ccacb1da-c68e-11e4-b2a1-bed1aeea2816\\_story.html](https://www.washingtonpost.com/opinions/do-transgender-athletes-have-an-edge-i-sure-dont/2015/04/01/ccacb1da-c68e-11e4-b2a1-bed1aeea2816_story.html)

- HARPER, J. 2015b. Race times for transgender athletes. *Journal of Sporting Cultures and Identities* 6 (1): 1-9.
- HEALY, M.L., J. GIBNEY, C. PENTECOST, M.J. WHEELER and P.H. Sonksen. 2014. Endocrine profiles in 693 elite athletes in the postcompetition setting. *Clinical Endocrinology* 81 (2): 294-305.
- HEYD, D. 2019. Supererogation. *The Stanford Encyclopedia of Philosophy*. Available at <https://plato.stanford.edu/entries/supererogation/>
- HOFFMAN, J. 2019. Athlete ally: Navratilova's statements transphobic and counter to our work, vision and values. *Athlete Ally*, 19 February. Available at <https://www.athleteally.org/navratilovas-statements-transphobic-counter-to-our-work-vision/>
- HOOD-WILLIAMS, J. 1995. Sexing the athletes. *Sociology of Sport Journal* 12 (3): 290-305.
- HUTTON, J.R. 2015. Exploring the effectiveness and impact of the MHSAA Policy on Transgender Students: Learning from the experiences of trans- youth in Manitoba high schools. Unpublished master's thesis. University of Manitoba.
- INDIGENOUS ACTION. 2014. Accomplices not allies: Abolishing the ally industrial complex. *Indigenous Action*, 4 May. Available at <http://www.indigenousaction.org/accomplices-not-allies-abolishing-the-ally-industrial-complex/>
- INGLE, S. 2019. Sports stars weigh in on row over transgender athletes. *The Guardian*, 3 March. Available at <https://www.theguardian.com/society/2019/mar/03/sports-stars-weigh-in-on-row-over-transgender-athletes>
- IOC. 2015. *Consensus meeting on sex reassignment and hyperandrogenism*. Lausanne: IOC. Available at [https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/IOC/Who-We-Are/Commissions/Medical-and-Scientific-Commission/EN-IOC-Consensus-Meeting-on-Sex-Reassignment-and-Hyperandrogenism.pdf#\\_ga=2.56597609.359084329.1581259757-1567640355.1529806838](https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/IOC/Who-We-Are/Commissions/Medical-and-Scientific-Commission/EN-IOC-Consensus-Meeting-on-Sex-Reassignment-and-Hyperandrogenism.pdf#_ga=2.56597609.359084329.1581259757-1567640355.1529806838)
- IOC. 2004. IOC approves consensus with regard to athletes who have changed sex. Available at <https://www.olympic.org/news/ioc-approves-consensus-with-regard-to-athletes-who-have-changed-sex>
- JESKE, D. 2019. Special obligations. *The Stanford Encyclopedia of Philosophy* (Fall 2019 Edition), edited by E.N. Zalta. Available at <https://plato.stanford.edu/entries/special-obligations/>

- JONES, B.A., J. ARCELUS, W.P. BOUMAN and E. HAYCRAFT. 2017a. Barriers and facilitators of physical activity and sport participation among young transgender adults who are medically transitioning. *International Journal of Transgenderism* 18 (2): 227-238.
- JONES, B.A., J. ARCELUS, W.P. BOUMAN and E. HAYCRAFT. 2017b. Sport and transgender people: A systematic review of the literature relating to sport participation and competitive sport policies. *Sports Medicine*, 47: 701-716.
- JORDAN-YOUNG, R.M. and K. KARKAZIS. 2019. *Testosterone: An unauthorized biography*. Cambridge, MA: Harvard University Press.
- KARKAZIS, K. and M. CARPENTER. 2018. Impossible choices: The inherent harms of regulating women's testosterone in sport. *Bioethical Inquiry* 15: 579–587.
- KARKAZIS, K. and R. JORDAN-YOUNG. 2015. Debating a testosterone 'sex gap.' *Science* 348 (6237): 858-860.
- KARKAZIS, K. and R. JORDAN-YOUNG. 2013. The Harrison Bergeron Olympics. *The American Journal of Bioethics* 13 (5): 66-69.
- KARKAZIS, K., R. JORDAN-YOUNG, G. DAVIS and S. CAMPORESI. 2012. Out of bounds? A critique of the new policies on hyperandrogenism in elite female athletes. *American Journal of Bioethics* 12 (7): 3–16.
- KANE, M. J. 1995. Resistance/transformation of the oppositional binary: Exposing sport as a continuum. *Journal of Sport & Social Issues* 19: 191-218.
- KIDD, B. 2018. Towards responsible policy-making in international sport: Reforming the medical-scientific commissions. *Sport in Society* 21 (5): 773–787.
- KIDD, B. 2011. For gender self-declaration. Paper presented at *Play the Game*, 5 October.
- KLEIN, A., V. KRANE and A.L. PAULE-KOBA. 2018. Bodily changes and performance effects in a transitioning transgender college athlete. *Qualitative Research in Sport, Exercise, and Health* 10 (5): 555-569.
- KNOX, T., L. ANDERSON and A. HEATHER. 2019a. Transwomen in elite sport: Scientific and ethical considerations. *Journal of Medical Ethics* 45 (6): 395-403.
- KNOX, T., L. ANDERSON and A. HEATHER. 2019b. Transwomen in elite women's sport – Clarifying the nuances of our approach. *Journal of Medical Ethics Blog*, 12 August. Available at <https://blogs.bmj.com/medical-ethics/2019/08/12/transwomen-in-elite-womens-sport-clarifying-the-nuances-of-our-approach/>
- 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.

- LJUNGQVIST, A. 2018. Sex segregation and sport. *British Journal of Sports Medicine* 52 (1): 3.
- LJUNGQVIST, A. and M. GENEL. 2005. Transsexual athletes: When is competition fair? *Lancet* 366: S42-S43.
- MAGOWAN, A. 2019. Sharron Davies fears for female athletes at Tokyo Olympics. *BBC Sport*, 26 July. Available at <https://www.bbc.com/sport/49110775>
- McKINNON, R. 2019a. Gaslighting as epistemic violence: “Allies,” mobbing, and complex posttraumatic stress disorder, including a case study of harassment of transgender women in sport. In *Overcoming epistemic injustice: Social and psychological perspectives*, edited by B. R Sherman and S. Goguen. Washington, DC: Rowman & Littlefield.
- McKINNON R. 2019b. I won a world championship. Some people aren't happy. *The New York Times*, 5 December. Available at <https://www.nytimes.com/2019/12/05/opinion/i-won-a-world-championship-some-people-arent-happy.html>
- McKINNON, R. 2019c. Participation in sports is a human right, even for trans women. *LGBTQ Issues in Philosophy Newsletter, The American Philosophical Association* 19 (1): 10-14.
- MELLEMA, G. 1991. *Beyond the call of duty: Supererogation, obligation, and offence*. Albany, NY: State University of New York Press.
- MILLER, D. 2005. Reasonable partiality towards compatriots. *Ethical Theory and Moral Practice* 8: 63–81.
- NAVRATILOVA, N. 2019. The rules on trans athletes reward cheats and punish the innocent. *The Times*, 17 February. Available at <https://www.thetimes.co.uk/article/the-rules-on-trans-athletes-reward-cheats-and-punish-the-innocent-klrsq6h3x>
- PARKS PIEPER, L. 2016. *Sex testing: Gender policing in women's sports*. Chicago: University of Illinois Press.
- PÉREZ-SAMANIEGO, V., J. FUENTES-MIGUEL, S. PEREIRA-GARCÍA, E. LÓPEZ-CAÑADA and J. DEVÍS-DEVÍS. 2018. Experiences of trans persons in physical activity and sport: A qualitative meta-synthesis. *Sport Management Review* 22 (4): 439-451.
- PETROW, S. 2016. Do transgender athletes have an unfair advantage at the Olympics? *Washington Post*, 8 August. Available at [https://www.washingtonpost.com/lifestyle/style/do-transgender-athletes-have-an-unfair-advantage-at-the-olympics/2016/08/05/08169676-5b50-11e6-9aee-8075993d73a2\\_story.html?utm\\_term=.fed174b8ee3b](https://www.washingtonpost.com/lifestyle/style/do-transgender-athletes-have-an-unfair-advantage-at-the-olympics/2016/08/05/08169676-5b50-11e6-9aee-8075993d73a2_story.html?utm_term=.fed174b8ee3b)

- PIEKLE, JR., R. 2015. Who should be allowed to compete as a female athlete? *The New York Times*, 29 July. Available at <https://www.nytimes.com/2015/07/29/opinion/who-should-be-allowed-to-compete-as-a-female-athlete.html?%20r=1>;
- PITSILADIS, Y., J. HARPER, J.O. BETANCURT, M.-J. MARTINEZ-PATINO, A. PARISI, G. WANG and F. PIGOZZI. 2016. Beyond fairness. The biology of inclusion for transgender and intersex athletes. *Current Sports Medicine Reports*, 15(6): 386-388.
- REESER, J.C. 2005. Gender identity and sport: Is the playing field level? *British Journal of Sports Medicine*, 39: 695-699.
- RUSSELL, G.M. 2011. Motives of heterosexual allies in collective action for equality. *Journal of Social Issues* 67: 358–375.
- SANCHEZ, M. and I. GALLAGHER. 2016. Transgender British athletes born male set to make Olympic history by competing in the games as women. *The Mail on Sunday*, 2 July. Available at <https://www.dailymail.co.uk/news/article-3671937/Transgender-British-athletes-born-men-set-make-Olympic-history-competing-games-women.html>
- SCHEIM, A.I. and G.R. BAUER. 2015. Sex and gender diversity among transgender persons in Ontario, Canada: Results from a respondent-driven sampling survey. *Journal of Sex Research* 52 (1): 1-14.
- SCHNEIDER, A.J. 2000. On the definition of ‘woman’ in the sport context. In *Values in sport: Elitism, nationalism, gender equality and the scientific manufacture of winners*, edited by T. Tännsjö and C. Tamburrini. London: E&FN Spon: 123-138.
- SCOTT-DIXON. K. 2009. Public health, private parts: A feminist public-health approach to trans issues. *Hypatia* 24 (3): 33-55.
- SERANO, J. (2012). Reclaiming femininity. In *Transfeminist perspectives in and beyond transgender and gender studies*, edited by A. Enke. Philadelphia, PA: Temple University Press: 170-183.
- SETTIMI, C. 2016. The 2016 Rio Summer Olympics: By the numbers. *Forbes*, 5 August. Available at <https://www.forbes.com/sites/christinasettimi/2016/08/05/the-2016-summer-olympics-in-rio-by-the-numbers/#7f9c7126fa18>
- SHAW, T.C. 2018. Being more than an ally. *Cross Currents* 68 (4): 525-532.
- SOLSTAD, G.M. 2019. Reporting abuse in sport: A question of power? *European Journal for Sport and Society* 16 (3): 229-246.
- SÖNKSEN, P.H., L.D. BAVINGTON, T. BOEHNING, D. COWAN, N. GUHA, R. HOLT, K. KARKAZIA, M.A. FERGUSON-SMITH, J. MIRCECTIC and

- BÖHNING, 2018. Hyperandrogenism controversy in elite women's sport: An examination and critique of recent evidence. *British Journal of Sports Medicine* 52 (23): 1481-1482.
- SUDAI, M. 2017. The testosterone rule – Constructing fairness in professional sport. *Journal of Law and the Biosciences* 4 (1): 181-193.
- SUMMERSELL, J. 2018. Trans women are real women: A critical realist intersectional response to Pilgrim. *Journal of Critical Realism* 17 (3): 329-336.
- SYKES, H. 2006. Transsexual and transgender policies in sport. *Women in Sport and Physical Activity Journal* 15 (1): 3–13.
- TAYLOR, C., E. MEYER, T. PETER, J. RISTOCK, D. SHORT and C. CAMPBELL. 2016. Gaps between beliefs, perceptions, and practices: The Every Teacher Project on LGBTQ-inclusive education in Canadian schools. *Journal of LGBT Youth*, 13: 112-140.
- TEETZEL, S. 2017a. Athletes' perceptions of transgender eligibility policies applied in high-performance sport in Canada. In E. Anderson & A. Travers (eds.), *Transgender athletes in competitive sport*. London: Routledge.
- TEETZEL, S. 2017b. 2017. Transgender eligibility policies in sport: Science, ethics, and evidence. In *Reflecting on Modern Sport in Ancient Olympia: Proceedings of the 2016 Conference of the International Association for the Philosophy of Sport*, edited by H. L. Reid and E. Moore. Sioux City, IA: Parnassos Press.
- TEETZEL, S. 2006. On transgendered athletes, fairness, and doping: An international challenge. *Sport in Society* 9 (2): 227-251.
- TRAVERS, A. 2018. Transgender issues in sport and leisure. In *The Palgrave Handbook of Feminism and Sport, Leisure and Physical Education*, edited by L. Mansfield et al. London: Palgrave.
- TRAVERS, A. 2006. Queering sport: Lesbian softball leagues and the transgender challenge. *International Review for the Sociology of Sport* 41 (3/4): 431–446.
- TRAVERS, A. and J. DERI. 2011. Transgender inclusion and the changing face of lesbian softball leagues. *International Review for the Sociology of Sport* 46 (4): 488–507.
- TURNER, J. 2016. Transgender athletes are unfair to women. *The Times*, 28 January. Available at <https://www.thetimes.co.uk/article/transgender-athletes-are-unfair-to-women-2lrsvq0ggg0>

---

<sup>1</sup> While the American Psychological Association recommends the use of transgender and gender nonconforming (TGNC) as the most inclusive way of referring to individuals whose gender identity does not align fully with their sex assigned at birth (APA, 2015), I continue to use the term ‘trans’ in reference to individuals who self-identify their gender as transgender, transsexual, two-spirit, non-binary, gender nonconforming, genderqueer and so on when analyzing the women’s sport category. This is because our binary sport system requires competitors to identify and compete as women or men, and thereby fails to create space for the recognition of genderqueer and non-binary athletes.

<sup>2</sup> See, for example, Birrell and Cole 1990; Hood-Williams 1995; Kane 1995; Gooren and Bunck 2005; Reeser 2005; Cavanagh and Sykes 2006; Sykes 2006; Teetzel 2006; Travers 2006; and Coggon Hammond and Holm 2008.

<sup>3</sup> See, for example, Epstein and Dreger’s (2014) commentary in the *New York Times* and Petrow’s (2016) piece in the *Washington Post*. In the high-impact scholarly literature, see Ljungqvist and Genel (2005) in the *Lancet* and Karkazis and Jordan-Young (2015) in *Science*. In the narrower scholarly literature, see especially Hargie, Mitchell, and Somerville 2015; Travers and Deri 2011; and Caudwell 2012 for particularly original and astute analyses.

<sup>4</sup> Ivy, formerly known as Rachel McKinnon, won the sprint title in the F35-39 category at the UCI Women’s Masters Track Cycling World Championships in October 2019. The year prior, she also won the women’s sprint title, and in doing so became the first trans woman to win a world championship in track cycling.

<sup>5</sup> Moser, who competes in triathlon and duathlon, is the first openly trans man to qualify for a US national team, to be featured in a Nike commercial, and to pose for ESPN’s *The Body* magazine.

<sup>6</sup> While trans men face many similar issues to trans women competing in elite sport with respect to discrimination, access, and safety, this paper focuses on trans women’s inclusion and eligibility as there has been far more public outcry, scholarly analysis, and opposition to trans women than trans men competing.

<sup>7</sup> As IOC medical and scientific commission member Arne Ljungqvist recalled, ‘In 2003, a National Olympic Committee asked the IOC Medical department for guidance concerning a female athlete. She had transitioned from the male sex and her female fellow competitors questioned her participation. In the absence of any rules or guidelines, the IOC Medical Commission convened a group of experts to a consensus meeting in Stockholm in October 2003. It arrived at a number of requirements that it was recommended transgender athletes be required to fulfil in order to be eligible to compete in the category consistent with their gender identity (Ljungqvist 2018, 3). Another member of the commission, Myron Genel, noted at the second consensus meeting in Lausanne in 2015, a broader range of experts, including a trans athlete, contributed to the revised regulations (Genel 2017).

<sup>8</sup> On the day of the Rio 2016 Opening Ceremonies, *Forbes* staff writer Christina Settini reported, ‘two transgender athletes will compete; their names and nationalities have not been revealed’ (Settini, 2016). British tabloid newspaper, *The Mail on Sunday*, reported that the two unnamed athletes were British and had competed at a European Championship previously (Manning and Gallagher 2016). Whether these two athletes actually competed remains unknown as Genel confirmed, ‘no transgender athletes are known to have competed in the 2016 Summer Olympics’ (Genel 2017, 12). Ivy is correct that an openly trans athlete has not yet competed at the Olympics.

---

<sup>9</sup> Much of the critique of testosterone as the key factor involved in performance advantages stems from analysis not of the transgender eligibility rules but of World Athletics' hyperandrogenism policy. Arguments focused on hyperandrogenism are not identical to trans inclusion, but are relevant.

<sup>10</sup> Two studies, known as GH-2000 and the Daegu Study, are frequently cited in arguing for or against the impact of testosterone on athletic performance. Sudai (2017) explains that the GH-2000 study found that two hours post performance men and women had a surprising overlap in blood testosterone levels, with 16.5% of male athletes in the study measuring less than 8.4 nmol/L (the low limit of normal for men) and 13.7% of female athletes in the study measuring above 2.7 nmol/L (the high limit of normal for women) (Healy et al 2014). The other study, led by Stephane Bermon and commissioned by the IAAF, referred to as the Daegu study (because testosterone levels were measured in 849 women competing in the 2011 IAAF athletics world championship in Daegu, South Korea) found that hyperandrogenism is more common in the sample of women track and field elite athletes than the general population (Bermon et al. 2014). One important caveat to citing either study to "prove" trans women's inclusion in women's elite sport is fair or unfair is that while both studies address the impact of testosterone on athletic performance, neither study included trans athletes as participants.

<sup>11</sup> Many gender critical feminists believe trans women should not be allowed to compete in women's sports events in order to "preserve" the women's category. Inherent in this view is the idea that trans women threaten women's sport and compete with unfair competitive advantages.

<sup>12</sup> In discussing potential obligations women athletes might have to each other, Locke's consent theory of political obligation, consequentialist duties, and natural duties are all relevant here, but are beyond the scope of this paper.

<sup>13</sup> For philosophical analysis of benefitting from injustice, see Butt 2007.