UNIVERSITY OF
GLOUCESTERSHIRE

This is a peer-reviewed, post-print (final draft post-refereeing) version of the following published document and is licensed under All Rights Reserved license:

Ryall, Emily S ORCID logoORCID: https://orcid.org/0000-0002-6050-4353 (2017) Is Women's Sport a Clear Case of Sexual Discrimination? Philosopher's Magazine, 76. pp. 29-34. doi:10.5840/tpm20177613

Official URL: https://www.pdcnet.org/tpm/content/tpm_2017_0076_0029_0034
DOI: http://dx.doi.org/10.5840/tpm20177613
EPrint URI: https://eprints.glos.ac.uk/id/eprint/4621

Disclaimer

The University of Gloucestershire has obtained warranties from all depositors as to their title in the material deposited and as to their right to deposit such material.

The University of Gloucestershire makes no representation or warranties of commercial utility, title, or fitness for a particular purpose or any other warranty, express or implied in respect of any material deposited.

The University of Gloucestershire makes no representation that the use of the materials will not infringe any patent, copyright, trademark or other property or proprietary rights.

The University of Gloucestershire accepts no liability for any infringement of intellectual property rights in any material deposited but will remove such material from public view pending investigation in the event of an allegation of any such infringement.

PLEASE SCROLL DOWN FOR TEXT.

Is Women's Sport a Clear Case of Sexual Discrimination?

Emily Ryall is Senior Lecturer in the Philosophy of Sport at the University of Gloucestershire and author of *Philosophy of Sport: Key Questions* (Bloomsbury, 2016).

When the Swedish philosopher, Torbjörn Tännsjö asked "If sexual discrimination is objectionable in most other areas of our lives, why should it be acceptable within sports?" he wasn't referring to the fact that women's sports receives only 7% of all sports coverage in the UK and only 2% of national newspaper coverage. He wasn't referring to the pervasive sexist attitudes that focus on the physical attractiveness of female athletes and what they are (or aren't) wearing, rather than their physically skilful accomplishments. Tännsjö was being rather more provocative, and deliberately so. His argument centred around the notion of equality: if women and men are to be treated equally and afforded equal opportunity, then there is no reason why sport should be separated according to sex. The obvious retort however is based around the concept of fairness, and generalisations about the physiological differences between men and women. It is scientifically demonstrated that men are generally stronger and faster than women and therefore sport, which predominantly measures strength and speed, should be differentiated accordingly. As such, separating sport into male and female categories is equivalent to separating sport into other categories such as weight and age. All stem from a desire to ensure sport is fair and to preserve what Warren Fraleigh coined 'the sweet tension of uncertainty of outcome'. Good sport, on this account, is when competition is structured to accurately test and measure the physical capacities of those involved and this is best done through mutually equal contests. A contest that pitches the skills of a demonstrably weaker opponent against a demonstrably stronger one is both unfair, and in some cases, reckless. For instance, no-one would argue that it is fair for an 18 stone male in his early 20s to fight against a six-year-old child in a boxing match. Even the thought of such a contest is abhorrent. Not only is the young child likely to suffer severe injury but it also wouldn't be a worthwhile sporting spectacle. We, as spectators, want to see sport whereby the outcome is unpredictable. The best sporting contests are those where all competitors must be at the top of their game in order to achieve victory; and where success is finely balanced. Fair sport is created by separating contests according to relevant criteria.

The problem however, is in determining what the relevant criteria are. Combat sports such as boxing, judo, wrestling and taekwondo, and strength sports such as powerlifting, are all separated into different weight categories on the basis that the weight of the competitor is a key and relevant factor in determining the outcome. Similarly, most sports are also separated into age categories up to early adulthood (usually a range between 17 – 23 years) and then later into veterans (usually a range between 35 years and upwards). Again, age is considered a relevant characteristic in determining outcome. Following this argument then, it is fair to separate sport according to sex because sex is a relevant characteristic in the outcome of sporting competition.

There are two problems with this account however. The first is whether sex is a relevant category in sporting contests and the second is with the concept of sex itself. As noted earlier, the idea that sport should be separated according to sex is based on the generalisation that most men are physically stronger and faster than most women. It is founded on the concept of normal or Gaussian distribution. Yet the problem with generalisation is that there will always be instances that do not

conform to the 'norm'. Whilst it might be the case that on the basis of physiological potential, most men will be able to outperform most women in tests of raw strength and speed, there will be cases where a few women will be able to outperform most, and perhaps all, men. For these individuals, they should not be penalised from doing so on the basis of their sex. This argument has formed the basis of repealing the ban on female front-line service in the military by many countries. If a woman is able to carry out the required tasks for front-line service, then they should be allowed to do so. If we wish sport to be an equal but fair test then these exceptional women should be not be limited in their competition on the basis of their sex. Indeed, the same argument can be made in respect of weight and age too. On this argument, fairness of competition should be dependent on individual skill level and ability. As Aristotle noted, equals must be treated equally and unequals must be treated unequally. An illustration of the way in which generalisation can treat unequals equally can be provided from 'schoolboy rugby' which is divided along lines of age, and frequently sees boys who have developed early into adolescence pitted against those that still have the build of a child. Critics of this approach say that it is therefore unsurprising that so many children are discouraged from the sport. It also skews the game from what should be a test of a whole range of skills and abilities towards a single test of brute strength that will not last. Larger children have no need to develop other rugby related skills when they can just run through their smaller class mates. These children then struggle to adapt when everyone else catches up with them and they no longer have their size advantage. The solution is to enable equals to play equals. In the same way that leagues allow each team or individual to find their natural level of competition and play worthwhile matches against similar players, sport should follow this structure more widely and competitions should not be constrained by definitive categories that are based upon generalisations.

So whilst separation according to sex is based on the assumption that sports are inherently a test of the physiological characteristics of strength and speed it may be more accurate to say that sport is a test of physical skill. On this basis, though there may be physiological factors which contribute to the outcome, it is the acquisition and demonstration of skill that is the primary factor. And if skill is defined, as Cesar Torres suggests, as "acquired, intentional, and purposeful capacities to negotiate solutions to problematic situations" then there is no evidence to suggest that one sex has an innate genetic or physiological advantage in this over the other. In which case, there is no basis for segregation according to sex. Indeed, much of the evidence seems to suggest that any differences in skill level between men and women is predominately driven by external or environmental factors. Social expectations about differences in the interests and the normal behaviour of boys and girls result in boys being encouraged and given greater opportunities to practice and develop their skill in sport, whilst the opposite is true for girls. Commonly used axioms such as 'boys will be boys' and 'fragile little girls' exemplify the attitudes held towards sex differences. The recent #ThisGirlCan and #LikeAGirl initiatives are designed to challenge and change beliefs and stereotypes around physical activity and the fact that women can't do sport, or at least can't do it as well as men, so may as well not bother at all. If differences in physical skill are predominately environmental and not innate, as evidence by the '10,000 hour' theory which suggests anyone can become highly skilful if they put in sufficient practice, then separating sport on the basis of an incorrect assumption about the natural capacities of one sex compared to the other only compounds and exacerbates this problem. Indeed, in the same way as is demonstrated in other areas of the workplace, that for women to succeed at the top they need to surpass the achievements of men in order for their skills and attributes to be recognised, at the elite level of many sports, commentators note that women often demonstrate a

higher level of skill than is expected as a means of compensating for any limitations in strength or speed.

Separating sport on the basis of sex suffers a further, more conceptual, problem. Most sporting competitions operate on a sex binary line: males compete against males whilst females compete against females. There are exceptions such as equestrianism and wheelchair rugby although these are few and far between. And whilst one might expect shooting events to be mixed, since the ability to fire a pistol accurately over 10m, for example, is not dependent on strength or speed, these too are sex segregated. Perhaps rather tellingly, it wasn't always the case. The sport of skeet shooting used to be a mixed competition until after the 1992 Olympic Games when the Chinese female competitor, Zhang Shan, won gold, when it suddenly became sex segregated. Clearly the authorities felt it was unfair on weak male competitors that they were forced to compete against stronger females. Joking aside, this incident illustrates what might be considered one of the less credible reasons Tännsjö outlines for the segregation of sports; that it damages male pride when they lose to women and has the potential to result in violent outbursts.

The conceptual problem with delineating sport along lines of sex is that binary categories might not work for all. Whilst the majority of people may be happy to assign themselves and others to the label 'male' or 'female', there are some for whom the labels do not fit. Either the terms 'male' or 'female' are inappropriate, or more commonly, the label which they choose is not accepted by others. Due to fears over men posing as women and therefore cheating in sporting competitions, sex testing has been long regarded as an important deterrent. It was first made mandatory in 1950 before the European Athletic Championships, following years of ongoing speculation and accusations that men were entering women's athletic events, and continued until the IAAF stopped testing in 1991 and the IOC ended it in 2000. In 2012, the International Association of Athletics Federations (IAAF) announced that they wished to bring back wider sex testing and advocated the use of a chart that visually depicted suspect physical characteristics based on a method formulated in the early 1960s. This move was highly controversial and was regarded as crude, severely flawed and insensitive. Following an appeal by Indian runner Dutee Chand, the Court of Arbitration for Sport (CAS) ruled that the IAAF suspend its regulations on sex testing until they provided credible scientific evidence that levels of testosterone had a direct and quantifiable relationship to athletic performance. As of yet, the IAAF has not provided any evidence and is unlikely to do so. Note that it is only women that are sex tested, and accusations of sex-cheating are directed towards only those women that do not conform to a particular feminine stereotype. No-one has ever accused Maria Sharapova of not being a 'real' woman.

The conceptual problem with sex testing is that there is no single conclusive way of determining sex. Early tests focused on the external examination of genitalia and later tests used chromosomes, genes, and more recently testosterone, as used by the IAAF. None of these methods are conclusive and may produce conflicting evidence. Sex, ultimately, is non-determinate which is a problem for sport that is divided along those lines.

Similar problems exist in sport for those who reject the sex they are assigned with at birth. In 2004, UK Government legislation was passed to prohibit discrimination against transsexual or transgender persons but exceptions were made to the sphere of sport whereby it was decided that individual Governing Bodies were best placed to determine who was eligible to compete in sex categories. One consequence of this however is a disparity between UK law and Governing Body guidelines that has

the potential to lead to absurd consequences. As such, it is possible that an athlete may have a legal status as one sex but forced to compete in events against the other.

Questions about sex segregation in sports are complex and needs to be understood in relation to wider issues about the way we construct and conceive of sex and gender differences in society. That sex and gender are core components of an individual's identity means that any doubts raised about the sex of an individual athlete will undoubtedly strike at the heart of a sensitive issue. The problem it seems is the way in which sport is inflexible in the way it is constructed and on the flawed assumption that sport is predominately a celebration of masculine values possessed by men. Women have little place in it and if they must compete, it is at the lower end of the elite spectrum, unless of course, they are demonstrating feminine values of grace, beauty and suppleness, exemplified by sports such as gymnastics or synchronised swimming: minor diversions from the more serious sports of football, rugby or athletics.

The answer then is to abandon sex segregation altogether. The best women will be able to hone and demonstrate their talent by competing against others with whom they are equal and there would be no concern over someone pretending to be the sex they are not. Many would resist such moves on the basis that it is difficult enough to get women to participate in sport in the first place without them being demotivated by overly-competitive and pride-fuelled men determined to prove their superiority. Similarly, if sex segregation were to disappear at an instant, there would be few women left able to participate at the elite level. Advocates for women's sport argue that it is only very recently that small gains have been made in the professionalization and sponsorship of women's sport that enable a few women to make a living from playing sport. The removal of sex categories would completely eradicate the visibility of female athletes which would only compound the difficulties of female grass-roots participation.

Accepting such concerns, the solution may be to set the ultimate goal of removing sex segregation in sport and to ensure that competition is based on quantifiable performance differences at an individual level not a wider generalisation. But this would require greater societal change in regard to expectations about female ability and sporting potential. In the meantime, there should be opportunity for women to compete with and against men if they choose to do so. A fair assessment of skill level and a just opportunity to progress is required rather than a limitation imposed on an individual by recourse to fixed and inflexible categories such as sex. Sport needs to be constructed in a way that provides good competition for all those involved in it. In this Tännsjö is right in arguing that segregation according to sex cannot be the answer when it has been rejected in all other aspects of modern life.