

Incorrect Athlete, Incorrect Woman: IOC Gender Regulations and the Boundaries of
Womanhood in Professional Sports

by

Sabeehah Ravat

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Department of Women and Gender Studies
College of Arts and Sciences
University of South Florida

Major Professor: David A Rubin, Ph.D.
Travis Bell, Ph.D.
Diane Price Herndl, Ph.D.

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Abstract

Professional sports are a cornerstone of mainstream capitalist society, a site where issues of race, class, gender, nation, and religion amongst others are produced, contested, and negotiated. In particular, gender regulation policies serve to delineate the acceptable boundaries of racialised gender and create sanctioned opportunities to surveil transgressive bodies. In this thesis, I posit that professional sports rely on and protect uniformity of gender experience to regulate and exclude trans* and intersex participation and, furthermore, that gender regulation policies delineate the boundaries of gender and particularly womanhood in a way that further marginalises nonbinary athletes. Using critical discourse analysis, a methodology that addresses the power relations and inequities of discursive practices, I examine the International Olympic Committee (IOC) Consensus Meeting on Sex Reassignment and Hyperandrogenism (2015) and the IOC Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations (2021). In the IOC Consensus, I examine how scientific legitimacy, gender consistency requirements, and an emphasis on fairness contribute to gender regulation. Within the IOC Framework, I explore how such regulation is continued through the use of ambiguous guidelines, transferring of responsibility, and the asymmetrical gendering of fairness and inclusion. I also consider the implications of the document being reframed from a consensus to a framework and how this contributes to relinquishing of responsibility. Through this analysis, I show the (d)evolution of gender regulation in sport but also illustrate how nonbinary athletes are challenging sport to reckon with its relentless exotification and policing of transgressive bodies.

Introduction

“How about turning the question around and denaturalizing the world of gender segregated, performance-obsessed, commercially-driven sports, a world that can neither seem to do with or without excessive bodies?”

Tavia Nyong'o, “The Unforgivable Transgression of Being Caster Semenya”

Professional sports are a cornerstone of mainstream capitalist society, a site where issues of race, class, gender, nation, and religion amongst others are produced, contested, and negotiated. In particular, sex testing and gender verification have deeply racist and nationalist foundations and continue to be used to justify discrimination and surveillance of athletes. Over the past decade, there has been a rise in resistance against gender regulation and a push for gender expansiveness in professional sports. Despite increased efforts, professional sports remain largely exclusionary to trans and intersex athletes, with seemingly “updated” policies still heavily policing the gender of athletes. This is most specifically done through the requirement of gender consistency, whereby athletes are expected to maintain a single, stable gender embodiment that adheres to one of the two available binary categories of eligibility. Furthermore, because of their novelty as mainstream identities, there has been little representation and research on genderqueer and nonbinary athletes.

In this thesis, I theorise that nonbinary athletes challenge the very core of sex segregation in sport. I examine the impact of resistance by gender diverse athletes on gender categorisation in professional sports, particularly how nonbinary athletes are regulated and how they contest that

regulation. I analyse the International Olympic Committee (IOC) Consensus Meeting on Sex Reassignment (2015) and the IOC Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations (2021). I consider the implications of both policies being rooted in gender consistency, conflating sex and gender, and how the policies lack specific language regarding nonbinary players. I pay particular attention to how these policies use rights discourses to emphasise the cruciality of fairness, a focus that is asymmetrically gendered and racialised. Within my thesis, I also consider the generative and transformative impacts that can arise from nonbinary resistance in professional sports, particularly in relation to destabilizing the requirement for gender consistency in binary categories of sex-gender. In my thesis, I posit that the IOC policies rely on and protect uniformity of gender experience to regulate and exclude trans* and intersex participation and, furthermore, that the participation of openly nonbinary athletes disrupt notions of gender consistency and provide a possible framework for reimagining the gendered structure of professional sports.

The title of my thesis is a nod to Hannah Gadsby's ingenious and revolutionary comedy special *Nanette*, wherein she discusses internalised homophobia, criminalisation, and gendered violence. After sharing her experience of being assaulted by a man due to her gender presentation, she staunchly but tearily proclaims: "I am incorrectly female — I am *incorrect*, and that is a punishable offense" (Gadsby 2018, 1:00:12). Gadsby's words are not necessarily new or ground-breaking. From government legislation to social norms and across all domains of life, femininity, femaleness, and womanhood are highly regulated ontologies. However, because such regulation of the boundaries of womanhood is largely covert, Gadsby's explicit exclamation is especially disruptive. Thus, paying homage to Gadsby and following in the footsteps of numerous trans and queer scholars, I seek to unearth the concealing of this regulation of

womanhood in sports. I do not just reveal its presence but disentangle how such regulation shapes contemporary perceptions of gender in sports and how the limits of acceptable womanhood and athleticism are steeped in hegemonic understandings of racialised gender.

I begin by exploring nonbinary and gender diverse experiences and articulating the definitions that will be relevant to this thesis. I also elaborate on the notion of nonbinary resistance as it relates to the world of professional sports specifically. In my literature review, I explore the small body of work regarding nonbinary gender identities and experiences, the relationship between race and sex-gender, and the current literature on critical sports studies and gender regulation in professional sports. My analysis involved a detailed examination and critique of the IOC Consensus and the IOC Framework, both as individual documents and as genealogically related tools of gender regulation. Finally, I offer some ruminations on the role of gender in sport and how we might consider the way this role can be contested or removed entirely in the future.

Positionality Statement

It is important for me to begin with an exploration of my own positionality and how it relates both to my motivation for and experiences within this research. A researcher's "positionality not only shapes their own research, but influences their interpretation, understanding and ultimately their belief in the 'truthfulness' of other's research that they read or are exposed to" (Holmes 3). As such, the practice of self-reflexivity allows me to engage with the power dynamics in my perspective as it relates to my objects of analysis and my entire topic of research.

This thesis is born from passion, from a deep personal interest in professional sports and the role it plays in shaping perspectives, societal norms, and experiences. I consider myself a fan

of sport, who consumes multiple forms of professional sports content from watching football and figure skating to engaging with other fans online and participating in fantasy fan leagues. Sport functions as a centrepiece of my life, serving as a platform by which I cultivate relationships and a lens through which I engage with and critique social hegemonies.

I loosely consider myself nonbinary and, like sports journalist Britni de la Cretaz, I am a practitioner of gender maximalism as both a radical politic and ontological tool. Specifically, maximalism is a way by which I resist the formation of nonbinary as lacking in relation to binary gender. As de la Cretaz explains, maximalism “just means my gender is too much, it like can’t be contained by any box, any label” (Woodstock 2021, 7:58). This is crucial to my positionality in my thesis because, while I closely examine the punitive regulation of gender in professional sport, I strongly believe that gender is not solely a carceral system of social organisation and can also hold immense transformative potential.

Furthermore, as a person of colour and a descendent of Indian indentureship in South Africa, I am particularly interested in the formation of racialised gender. I am especially mindful of how social and legislative regulation contribute to the boundaries of acceptability and how movements across arbitrary geographical and social borders alter these boundaries. Thus, I acknowledge that I have stakes in the ways nonbinary people are able to navigate various social spaces and, more specifically, that the interconnectedness of racial and gender construction is materially significant to my lived experiences.

Background and Research Scope

Defining Trans*, Nonbinary, and Gender Diverse

At its base level, the word transgender refers to people whose gender does not align with the sex they were assigned at birth. Some consider it to be a specific term for those who transition from one gender to another, either socially, surgically, hormonally, legally, or any combination of the four. Over the last decade, trans (as well as trans- and trans+) has come to be used as an umbrella term for all people who are not cisgender. In his piece on the relationship between Blackness and Trans*-ness, Marquis Bey (2017) coined the notion of *trans** (with an asterisk, as opposed to a plus or hyphen). While trans- is considered by some scholars to be more open-ended than trans, Bey pushes it further to argue that “*trans** is intended to be even more disruptive and to highlight its own dehiscence” (2017, 284). In other words, the use of the asterisk is both an explosive opening of the radical potential of trans* and also a more intimate way of coming to self and community. In lieu of trans+, I will use the term trans* when referring to trans*-expansive experiences. The words trans and transgender will only be used to refer specifically to people and experiences who identify as such.

The term “nonbinary” (or “non-binary”) emerged from the work of trans* scholarship in the early 21st century and gained traction as a sociopolitical label over the past 10 years. In its current role within gender activism endeavours, nonbinary has become a particular path towards gender subversion (Garrison 2018). Nonbinary both collides with and contests labels of trans*

and transgender for different people, while crucially providing a platform to critique the binary limitations of both cis- and transnormativity.

In this thesis, I will frame nonbinary using a definition put forth by philosopher Robin Dembroff in an essay on the website Aeon:

I consider nonbinary identity to be an unabashedly political identity. It is for anyone who wishes to wield self-understanding in service of dismantling a mandatory, self-reproducing gender system that strictly controls what we can do and be ... To be nonbinary is to set one's existence in opposition to this system at its conceptual core. (2018)

Rather than an intermediate or third gender in relation to “man” and “woman,” nonbinary is a radical term to describe gender embodiments and experiences that do not fit on the gender spectrum as we currently know it (Dembroff 2018; Nicholas and Clark 2020). As a mosaic of various positionalities, nonbinary can be thought of as one of the most effective ways of resisting and dismantling binary gender.

Though I will explore the relation between genderqueer and nonbinary in academic scholarship as part of my literature review, my thesis will more closely address those athletes who identify as nonbinary. According to Nat Thorne et al., it is problematic to use genderqueer and nonbinary interchangeably because they often refer to different experiences and identities (2019, 148). Because I believe that their assertion holds merit, I will use the term gender diverse as an umbrella term for all those athletes who are not cisgender and do not neatly fit into the current binary model of sex-gender categorization of sport. This term will encompass a range of athlete positionalities, including transgender, trans*, and nonbinary.

As I will examine further in my literature review, genderqueer is considered by many scholars to be a more radical label than nonbinary. However, given the fact that sport is such a heavily binarized domain (men's/women's, win/lose, home/away), nonbinary as both a term and

a sociopolitical positionality holds immense transformative potential. Rajunov and Duane assert that “nonbinary people reconcile with an inner gender that cannot be properly expressed and understood by the outside world” (2019, xxvii) and, as such, to intellectually position oneself against the sacredness of binaries in sports can be importantly destabilising to those binaries.

Research Scope and Significance

The regulation of raced and gendered bodies is not just a symptom of elite sport but a fundamental aspect of mainstream sports culture. As Tavia Nyong’o argues (2010), sport is a capitalist, colonial project that is simultaneously mesmerised and mortified by bodies that cannot be made to conform. This thesis seeks to examine how such bodies are surveilled and regulated in the name of fairness, as well as the impact of nonbinary athletes on the unyielding gender segregation of professional sports. To do so, I will consider how organisational policies are impacting and being impacted by the increasingly public gender diversity of professional athletes. I will specifically be analysing the IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism (2015) and the IOC Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations (2021), using critical discourse analysis, a methodology that addresses the power relations and inequities of discursive practices (Fairclough 2013). I analyse these documents because the IOC is a leading international sporting organisation that is considered to be the exemplar of fairness and inclusion. Furthermore, analysis of the two documents, published within six years of each other, allows for a clear genealogical tracing of the IOC’s ideology surrounding gender in sports. Through this analysis, I argue that gender regulation policies are intentionally and overtly discriminatory and show the pervasiveness of surveillance and policing of the boundaries of womanhood by the

IOC. Finally, I illustrate how nonbinary athletes are challenging the very core of sex segregation in sport to reckon with its relentless exotification and policing of transgressive bodies.

Literature Review

Nonbinary Studies (in relation to queer/trans/genderqueer studies)

Gender is a key foundational element in the construction and evolution of social structures. In a crucial piece on authenticating trans identities, Spencer Garrison argues that “gender is a negotiated social achievement, which we constantly (if not necessarily consciously) work to defend” (2018, 616). Gender is simultaneously compulsory, regulatory, punitive, and performative (Butler 1989) and, because of its salience in contemporary society, gender cannot be reduced to a singular function.

Genderqueer emerged in 1997 as a term to describe trans people who did not plan to undergo surgical transition (Thorne et al. 2019). Due to this history, genderqueer is often considered to be an intentionally resistive positionality and, thus, has an inherently political element to it (Thorne et al. 2019). Though often used synonymously, the term nonbinary only appeared in scholarly work a few years after genderqueer. Much of the literature implies that genderqueer is a more overtly political label than nonbinary. According to Lucy Nicholas and Sal Clark, “nonbinary but more often genderqueer are seen as political *positions* that undo gender itself rather than innate identities” (2020, 39). This particular assertion connects directly to queer theory, particularly in terms of Lee Edelman’s notion that queer is not an identity but rather positions itself against those seemingly stable identities (2004). It also relates to Dembroff’s assertion that “*genderqueer* does not present a new set of gender norms; it seeks to disrupt existing norms” (2020, 19). Some consider nonbinary to be apolitical and more of a

personal label, while others believe that it falls under the genderqueer umbrella and is therefore also highly political.

As a subject of study in trans* and gender studies, “nonbinary” is relatively novel as is its emergence as a sociopolitical label in Western cultures. However, the existence of nonbinary genders is not new, both in the West and across other cultures. Christina Richards et al. argue that “it would be foolish to assume that non-binary gender is a purely modern phenomenon” (2017, 2). In fact, numerous cultures around the world, including Western societies, have recognised and embraced more expansive gender models than the current colonial model. Concurrently, it is important to note that nonbinary in contemporary Western contexts is not entirely comparable to nonbinary gender systems in other cultures across history. Richards et al contend that “the binarised nature of language when discussing gender in English makes it difficult to do justice to non-Western social systems, which have culturally embedded articulations of gender beyond the binary” (2017, 23). In other words, perceiving and examining diverse gender systems through a binary causes a loss of detail and context that is necessary to truly comprehend those systems. As such, it is crucial to simultaneously recognise the potential of nonbinary as a new social movement while also tracing and connecting those historical activisms that have challenged binaries for centuries (Richards et al. 2017).

In their article on gender fluidity, Erin Calhoun Davis explores the tension between scholarship that considers binary transgender people to be subservient to hegemonic gender ideals and queer scholarship that deems trans* experiences as a site of agency and gender disruption. Davis argues that the dualism of stability/fluidity with regards to gender experience is reductive and unproductive; they go on to say that “rather than either/or, gender performances are a site of negotiation” (2008, 103). In fact, (trans)gender identification and expression are

complex even when people are “binarily trans,” because binary categories “fail to represent fully the diversity of individuals’ experiences, behaviors, and self-understandings” (Davis 2008, 105). By rejecting the normative gender assigned to them at birth, transgender people already subvert the social expectation of gender consistency regardless of whether they undergo medical or legal forms of transition.

Trans* is considered an umbrella under which nonbinary can fall, yet there exist tensions between “binary” trans people and those who reject those binaries. Trans people often find themselves being painted as less gender subversive if they desire to embody a binary gender (Davy 2019). Simultaneously, ambiguous or hesitant feelings towards embodied gender and medical transition often create both internal and external doubt about whether someone is “trans enough” (Garrison 2018, 625). Furthermore, the ubiquity of binary genderism — “the impossibility of non-binary genders to exist in the minds of many due to the compulsarity and naturalizing of the two gender system” (Nicholas 2018, 173) — makes it such that nonbinary and genderqueer people are faced with challenges beyond those of binary trans people. Simply lumping binary trans people with nonbinary (or genderqueer people) makes it difficult to empirically study and address specific issues facing nonbinary people.

However, the dichotomisation of binary transgender and nonbinary positionalities is unhelpful because it situates overlapping and interacting embodiments in opposition to one another. As Davy explains, “arguing that only one side of the genderqueer/transsexual divide is pervaded by ideology and the other not forecloses the understanding that all desire functions within diverse assemblages” (2019, 90). That is to say that assuming trans people conform to binary gender while genderqueer people subvert binaries is reductive. This is especially true because trans people are not just passive recipients of social and structural practices; trans

histories and contemporary cultures challenge the illusion of gender consistency and help to pave the way for further gender subversion. Davy reminds us that “challenging oppressive gender systems, which territorialize minority genders and sexualities and claim that they are failing them, requires developing materialist ontologies of transsexual *and* genderqueer desires” (2019, 93). The radical impacts of transgender and nonbinary positionalities are co-constituted such that “transing gender, gender-nonbinary positions and refusing and choosing in relation to gender do not make gender disappear; instead they underline their gendered genealogies (Tudor 2019, 371). Thus, many scholars reject binary trans and nonbinary as oppositional, with Davy insisting that trans and genderqueer solidarity is necessary to disrupt and challenge gender as a sociocultural system.

The literature overwhelmingly suggests that positioning nonbinary as simply a third or intermediate gender fails to explicate the potential of nonbinary; “the terminology of the ‘third gender’ especially in anthropological studies of those who unsettle the male/female binary, is further critiqued for its colonial and objectifying history” (Dworkin et al. 2013, 56). That is to say that nonbinary, rather than being an add-on to the current gender system, challenges the construct of gender itself. However, the notion of a third gender itself is also not solely additive to existing gender models. As Maria Lugones notes in her foundational piece “Heterosexualism and the Colonial/Modern Gender System,” “third gender does not mean that there are three genders. It is rather a way of breaking with sex and gender bipolarities” (2007, 201). Because of the rigidity of the two-gender system, the very notion of a third, external gender is inherently destabilising. It serves to call into question the consistency of binary gender models.

According to some nonbinary participants in Harry Barbee and Douglas Schrock’s study of nonbinary navigation of a binary world, making yourself unclassifiable is frequently the only

way to “do ungendering” (2019, 578). Ungendering is often both intrinsic and extrinsic, involving a combination of personal expression and participation from the people we engage with. Several of Barbee and Schrock’s participants said that they felt proud to challenge dominant perceptions of gender while others felt that simply being able to live authentically was more important than contributing to changing world views. While Nicholas and Clark note that nonbinary and genderqueer are “not tied to physicality” (2020, 38) and are more so used as positional or identity labels, Dembroff argues that genderqueer and nonbinary cannot be only internal or psychological as that perspective is often dismissive of the ways gender diverse people disrupt binary understandings of gender. In their study on 25 genderqueer-identified American adolescents and young adults, Bradford et al. said that “genderqueer people adopt strategies that allow them to more authentically express a nonbinary gender by redefining and broadening existing hegemonic ideas about gender” (2019, 156). This includes the use of materialities, such as fashion, hair, and body modification, to subvert visual elements of binary gender.

At the same time, scholars note that situating nonbinary as only a positionality can render it “less genuine” than the “real, stable” genders of man and woman. This is because “gender attribution continues to play a fundamental role in attaining cultural intelligibility” (Garrison 2018, 614). Thus, those who reject the binary are often made to contribute more labour to justify or authenticate their gender experiences. This can be difficult in that nonbinary people are made to balance their resistance to gender categorisation with societal demands for gender consistency (Garrison 2018). Furthermore, while several genderqueer participants in Nova Bradford et al.’s study explained that gender fluidity was “a stable, enduring, and consistent dimension of their

gender identity” (2019, 160), that same fluidity often leads to internalised de-legitimacy and distress.

Public gender presentation depends largely on what is deemed socially acceptable and the level of regulation in different social spaces. Rajunov and Duane explain that “when it is impossible for your external appearance to accurately reflect your inner gender — when the general public is missing the mental model that represents your gender — you will never be truly seen” (2019, xx). Thus, a significant number of nonbinary people are more likely to adhere to transnormative tropes and experiences to make their gender intelligible to those around them. Transnormativity is dangerous in that it inadvertently works to re-centre cisgender expectations of gender.

As Dembroff notes, those people who use dual identification (i.e., nonbinary AND man/woman) do so due to the “recognition of the inescapability of binary norms” (2020, 7). That is to say that, because we live and function in a world of systemised binaries, nonbinary people are coerced into categories that do not reflect their identities or experiences. The need for systemic and cultural recognition can serve to undermine the radical potential of gender subversion, such that “non-binary people find themselves walking a treacherous tightrope, with invisibility on one side and unintelligibility on the other” (Garrison 2018, 633). This can be true even when people reject the need to be understood by others; in fact, even explicitly presenting as ambiguous can be ignored as people seek to place us into whichever existing discrete category seems most likely.

However, the dichotomy of visibility/intelligibility can also be a limiting binary. As Davis explains, “the pressures to be socially authenticated may not always lead to the containment of gender transgression, and gender-diverse expressions do not always lead to

unintelligible identifications” (2008, 109). As gender diversity continues to take more space on public forums, such as sport, politics, and music, the scope of intelligibility expands. This in turn shifts the limits of hegemonic acceptability.

Micah Rajunov and Scott Duane explain that “while the dichotomy of male and female may be false, it still creates a very real bifurcation” (2019, xxii). Because gender has largely been rendered synonymous with sex, binaries are difficult to dismantle, and nonbinary remains constrained by those binaries. In fact, “gender keeps collapsing back in to binaries *because* of its genealogy from, co-constitution with, and thus inseparability from the idea of binary biological sex” (Nicholas and Clark 2020, 46). Furthermore, because biological sex is continually protected, through the use of arbitrary science and legislation, it serves to reify binary gender. Western gender ideology “exclusively divides bodies into two categories, polices these categories according to ideas of ‘natural’ biological and teleological features, and establishes a self-perpetuating hierarchy between them” (Dembroff 2020, 16). The “ritualised repetition of gender categorization further solidifies and naturalizes gender dichotomization” (Davis 2008, 113) through forms, applications, identifications, and other systemic platforms, which remain largely binary in terms of gender.

Importantly, scholars note that gender does not exist in a vacuum but rather is “a fundamentally interpersonal and collective endeavour” (Nicholas and Clark 2020, 47). As such, reducing nonbinary to individualistic identities ignores the material connections and communal performativity of gender. Furthermore, the discarding of identity politics in favour of “individualism” often under-emphasises the salience of power relations in the construction and contestation of gender (Davis 2008). Ludovico Virtù additionally specifies that “trans and non-binary are ... collective identities and movements with a political stance” (2020, 321). This can

further be seen in Dembroff's definition of nonbinary "as a category whose members collectively destabilize the idea that *men* and *women* are discrete, exclusive, and exhaustive gender categories, and do so because of members' felt or desired gender categorization outside this exclusive and exhaustive binary" (2020, 12). What is crucial to understand by this definition is that nonbinary is rooted in collective resistance of gender binaries, rather than in individual acts of destabilisation.

There has been critique from anti-trans activists, and even trans anti-nonbinary activists, "that the idea of non-binary gender cheapens and distracts from their journey" (Richards et al. 2017, 41; Rajunov and Duane 2019), in essence trivialising the struggle of being recognised in their trans identities. A further tension comes from some trans activists and scholars, including Kate Bornstein, who argue that trans people are never analogous to cisgender men and women because their existence and experiences radically deconstruct hegemonic meanings of sex and gender. However, as Nicholas and Clark note, "the expansion of gender categories is not at odds with a commitment to reducing the salience of sex/gender and even getting rid of it" (2020, 52). In other words, more descriptors for the way people experience gender can work in concert with efforts to abolish the systemic regulation and influence of sex-gender. As Garrison argues, "the gendered hierarchies that undergird our social institutions can be dismantled, and the interactions that shape and support those hierarchies can be re-directed" (2018, 616). All of this can be done without negating the way people interact with and embody genders. We can dismantle gender roles and regulations while still advocating for authentic and liberatory gender experience.

Despite the radical potential of nonbinary and genderqueer, there is some concern that those who reject binary categorisation are forced to be the heroes of dismantling binary gender. Trans scholar Hil Malatino critiques this coerced responsibility, saying: "We are made to bear

the burden of demonstrating the contingency and constructedness of gender through being positioned as privileged objects of inquiry” (Malatino 2015, 403). Furthermore, “by centering non-binary individuals as the core arbiters of gender’s deconstruction, we allocate this labour to precisely those respondents with the most abject social barrier to overcome” (Garrison 2018, 634). In other words, the allocation of the burden of gender disruption on trans* and gender diverse people is not fair or realistic and often further disenfranchises those who already face extreme marginalisation. At the same time, this gesture allows cisgender and non-intersex people to continue to benefit from hegemonic notions of sex-gender without having to critically interrogate their positions in uneven power hierarchies.

Nonbinary and genderqueer people often face tremendous violence and systematic erasure due to their inability or refusal to conform to binary gender categorisation. Because “the problem of misrecognition is markedly different for those whose genders are not binary or fixed than binary trans folk” (Nicholas 2018, 172), threats and enactments of violence can severely limit visible gender diversity. In academia, it has been argued that queer theory tends to ignore the material consequences of gender resistance and subversion. Richards et al assert that “it is all very well that gender non-conforming bodies and identities might expose the mechanisms of gender normativity itself, but there are some very real material consequences for non-binary individuals who navigate and negotiate prejudice and inequities in everyday life” (2017, 65). Thus, nonbinary is not just the great hope for gender abolition; it is a physical and psychological reality for many people who face the violent and traumatic consequences of gender policing in their daily lives.

Nonbinary and androgynous are often used synonymously but are not the same. While assuming they are analogous is inaccurate, many nonbinary people indeed play around with

gender expression. In fact, “it is common for persons outside the binary to adopt an aesthetic that defies gender expectations” (Dembroff 2020, 5). However, just because someone is genderqueer or nonbinary does not mean that they will necessarily present androgynously; “the category *genderqueer* [or nonbinary] is not reducible to a group of persons who are perceived in a particular way” (Dembroff 2020, 6). Focus on gender expression alone is problematic as it does not account for the whole experience of genderqueer and nonbinary people; presentation or external perception does not wholly portray a person’s gender identity or experience.

Race and Sex-Gender

Across space and time, race and sex-gender have served as co-constituted organising social principles. Both historically and contemporarily, race and sex-gender have been deeply intertwined, evolving in collaboration and contestation with one another (Cooky et al. 2012; Magubane 2014). As Sally Markowitz asserts, “to talk simply about metaphorical connections between discourses of race and sex may even be to overstate the autonomy of each” (2017, 43). In other words, race and sex-gender are inseparable foundations of social hierarchy and oppression.

The binary model of sex-gender was a crucial construction by European colonial nation-states. Lugones makes this explicit connection, arguing that “gender itself is a colonial introduction, a violent introduction consistently and contemporarily used to destroy peoples, cosmologies, and communities as the building ground of the ‘civilised’ West” (2007, 186). The creations of the binary gender system, and of gender itself, are modes of organisation that were crucial to ensuring the regulation and domination of colonised peoples. Lugones goes on to explain that there existed “two crucial processes in colonization, the imposition of races with the accompanying inferiorization of Africans, and the inferiorization of anafemales” (2007, 197). As

such, gender was imposed by colonial powers (i.e., European nation-states) in conjunction with race and racism to create a system of bureaucracy and subordination.

Historicising the formation of gender helps us to recognise that patriarchy is only one part of the puzzle and that systems of power and domination are inseparable. As Lugones argues, “heterosexuality, capitalism, and racial classification are impossible to understand apart from each other” (2007, 187). For colonised societies, the introduction of European gender models was another layer of the loss, violence, and theft of colonialism. “For African and African-descended peoples, gender is a system of possibilities beyond biology, binaries and bodies” (Adjepong 2020, 869) and colonisation sought to minimise, repress, and destroy those possibilities.

Actor and writer Ryan Ken tweeted of the impact of colonialism robbing societies of gender experiences in pursuit of a hegemonic gender order:

“I want to sit with what it meant for colonialism to rob cultures of entire genders. Genders that were holy and sacred. The scale of that violence globally is hard to imagine. And today the cultures that colonialism produced try to rob us of sacred, holy genders again and again” (@Ryan_Ken_Acts 2020).

Ken, who is non-binary, alludes to the ways in which pre-colonial expansive gender was deeply rooted, not in institutionalised religion but, in connections to the earth and community. They also affirm that colonial gender destruction is not only a thing of the past; even today, dominant binary gender ideals deny colonised peoples the ability to connect with ancestral, communal, and internal gender experiences.

Sexual dimorphism was historically considered to reflect racial evolution such that slavery and colonialism were justified because the racial “other” was too primitive for self-governance. Colonial sexologists were convinced that the more “evolved” a race is, the more differentiated their sexed bodies are (McWhorter 2017; Storr 2017). While the overt nature of

these beliefs may have faded, the underlying racist assumptions continue to impact systemic understandings of racialised gender. “In this ideological climate,” asks Markowitz, “what better harbor for a covert racism than the apparently innocent notion of sexual dimorphism, with its imprimatur of scientific neutrality and its unavowed racist lineage?” (2017, 51). That is to say that the guise of objectivity in science and medicine allows for racist beliefs and outcomes to be masked, even as it continues the racist legacies of colonial sciences.

Most gender scholars agree that all gender-based violence and policing is rooted in misogyny. However, because the connections between gender-based violence and racism are sometimes overlooked, “the endeavour to counter normative gender violence (and, within this, sexual violence) certainly requires acknowledgement that both have been tools of white supremacy for centuries” (Tudor 2019, 368). As is the case with other social issues, gender violence cannot be addressed without a reckoning of the ways in which such violence was (and continues to be) used to maintain racial hierarchies.

Along with the impacts of racialised gender, Martino et al. talk about the dangers of “unmarked whiteness” (2021, 17); this phenomenon is the belief that whiteness is an inherent non-race, which poses a significant threat to queer and trans* people of colour. As Martino et al. noted, the assumption of whiteness can serve to trivialise the co-constitution of race and sex-gender, while exposing queer and trans people of colour to potential violence. Similarly, Malatino considers the dangerous conflation of whiteness with normativity in the medical-industrial complex, noting that “the forms of gender normativity utilized by the medical establishment were— and remain — undergirded by race, insofar as what was understood as a normative gender ideal was implicitly white” (Malatino 2017, 167). Thus, the simultaneous

denial and coercion of medical practices on Black and brown people served to uphold whiteness as both a norm and ideal.

According to Marquis Bey, Black and trans* bodies are inherently a counterstatement to Western culture. Bey does not conflate Blackness and trans*-ness but urges us to acknowledge how they are co-constituted, asserting: “They are differently inflected names for an anoriginal lawlessness that marks an escape from confinement and a besiderness to ontology” (Bey 2017, 278). Here, anoriginal does not mean the same type, but rather that the lawlessness of Black and trans* embodiments are similar in their rejection of normative bodies and experiences. Furthermore, a “besiderness to ontology” illustrates the existence of Black and trans* bodies outside of hegemonic systems of being. “Blackness must move and be thought in motion” (2017, 280), Bey further notes, such that Blackness and trans*-ness are considered to be interstitial positions and not concrete states of being.

Sexualities and genders, as embodied by Black people, are inherently oppositional to normative, hegemonic understandings of sexualities and genders in contemporary Western societies. The ways in which gendered racialisation and racialised gendering function “renders some bodies inadmissible into the binary gender system” (Pastor 2019, 3). As such, Black trans scholar C. Riley Snorton conceptualises “Blackness as an exclusion from the dominant symbolics of gender” (2017, 105). Because of this exclusion, Bey believes that “Black sexuality cannot be heteronormative, at least in the context of US white supremacy” (2017, 280). This is because slavery sought to remove sexuality from Black people through sexual violence and physical assault. Contemporarily, Black sexuality is often misconstrued as hypersexualisation (and, thus, a danger to whiteness) or asexuality (and, thus, a problem for whiteness to fix).

Not only are the categories of man and woman steeped in “unmarked whiteness” (Martino et al. 2021, 17) and racial exclusion, but so too are the concepts of femininity and masculinity. In fact, multiple scholars allude to how hegemony has made it such that “to be truly feminine is, in so many ways, to be white” (Markowitz 2017, 43; Karkazis and Jordan-Young 2018; Erikainen 2020). In other words, femininity is wholly defined by its adherence to white supremacist ideals of behaviour and appearance. Non-white women have historically been “sexually marked as female, but without the characteristics of femininity” (Lugones 2007, 203) or, as Krystal Batelaan and Gamal Abdel-Shehid articulate, “although [enslaved] Black women were viewed as genderless, they were constantly reminded of their *femaleness* through the sexual abuse they endured” (2020, 148). The sexual markings of “female” allowed for the abuse of Black and brown women at the hands of white men, while the erasure of feminine characteristics rendered the women objects such that they could not be considered victims.

Similarly, to be truly masculine in both physicality and intellect is to be white. While Blackness was often tied to raw masculinity as a justification for slavery, masculinity as supremacy could not be disarticulated from whiteness (Snorton 2017). This is because “the white colonizer constructed a powerful inside force as colonized men were co-opted into patriarchal roles” (Snorton 2017, 200). Black and brown men were granted access to patriarchal power while continuing to be in a position of subordination by colonialism and white supremacy. Thus, Black and brown men are both regulated by white supremacy and participate in that same regulation when it comes to Black and brown women.

Before even considering the struggles of Black trans women and nonbinary people, it is crucial to know that cisgender Black women are already considered to be in excess of the gender binary, which calls into question the universality and usefulness of ‘woman’ as a category

(Green and Bey 2017). Being in a position to reject the category of woman means that one had the privilege of being included in that category in the first place. For those that are excluded (Black, POC, queer, trans, butch), refusing is an “unreachable privilege” (Tudor 2019, 372); you cannot renounce a category that you were never able to access in the first place.

In addition, Black women are “disciplined into heterosexuality, thereby disarming the threat and rendering black women feminine in relation to black men” (Adjepong 2020, 871). In other words, Black women are only granted access to a certain kind of femininity that reinscribes their subservience to Black men, ensuring that their sexual “excess” can be controlled without posing a threat to white supremacy. This, in turn, erases Black women’s same-sex desires and reifies Blackness as synonymous with a more primitive version of masculinity.

Black trans scholars, such as Bey and Snorton, are convinced that “there is no absolute distinction between black lives’ mattering and trans lives’ mattering within the rubrics of racialised gender” (Snorton 2017, x). This is not an appropriation of one movement’s language by another, but an explicit attempt to conceive of the ways in which these movements are inextricable from one another. Considering the interconnectedness of these ideologies, there is much to gain by considering “Black women’s masculinities beyond narratives of pathology, failed femininity, and aberration” (Adjepong 2020, 869). Adjepong remarks that a reconnection to indigenous conceptualisations of gender can serve to destabilise and expand the Western structure of gender and its racist foundations (2020). If so, that means that “Blackness, and the liberation of its corporeal bearers, is fueled by its trans* nucleus” (Bey 2017, 281). In other words, racial justice and gender liberation are not only co-constituted but are one and the same.

As Black people were (un)gendered by the violence and trauma of slavery, a (trans)mutable form of gender and being was manifested. Thus, when Blackness is disarticulated

from Black bodies, we can begin to see Blackness as a desire for freedom (Bey 2017). This pursuit of liberation is connected to the excess of trans*-ness, which “denotes a disruptive, eruptive orientation” (Bey 2017, 284). In fact, “gender indefiniteness would become a critical modality of political and cultural maneuvering within figurations of blackness” (Snorton 2017, 56). The route to racial liberation is through the pursuit of gender expansiveness, and vice versa.

In their feminist analysis of the treatment of Caster Semenya, Shari Dworkin et al. ask: “What if categories such as race, class, gender, and nation do not operate equally to co-constitute one another but can actually work to obscure each other?” (2013, 60). However, scholars such as Bey, Snorton, and Lugones might argue that the obscuring and the co-constitution are in concert with one another. That is, race, class, gender and nation are co-constituted through intricate systems of colonialism, genocide, and imperialism. At the same time, conceptualising these categories in conjunction with each other often creates a shroud of confusion precisely because explicit articulations of the intersectional workings of power and oppression destabilise those very systems.

Sex-Gender and Sport

Sport is an immovable cornerstone of contemporary society, affecting and affected by various political and sociocultural influences. As sportswriter Jennifer Doyle eloquently notes, “sports are fictive and frighteningly real” (2013, 423). In some ways, professional sports remain an insight into a world of elite humans that most of us will never inhabit. In other ways, such as the role of sporting organisations in regulating and producing gender norms, sport oozes out of its sphere and impacts multiple facets of our daily realities.

Sport functions to surveil and police those bodies that do not (or simply cannot) conform to hegemonic sex-gender, marking non-conforming bodies as space invaders. However, it can be

said that “it is international sports itself... that has smuggled a particular set of ideas about sex difference around the world, under the guise of the universal, the natural, and the scientific” (Munro 2010, 387). Though the policies read slightly differently in every federation, and though international governing bodies place the onus of enforcing said policies on local and national organisations, international professional sports essentially govern the acceptable boundaries of gender and, in particular, femaleness.

With few exceptions, professional sports are separated into distinct categories of male and female that are dependent on a rigidly protected binary model of sex-gender (Pastor 2019, 5). Sonja Erikainen, a scholar of gender in sport, concisely states that “the gendered organisation of sports reflects and is a particularly rigorous example of broader socio-scientific, cultural, and political processes of gender binarisation” (2020, 148). Thus, while sport did not create and does not wholly regulate binary sex-gender, its instrumental social function means that sport provides an unrelenting space for gender regulation.

Furthermore, the ubiquity of sex segregation in professional sports maintains the illusion that binarised sex-gender is a product of nature. Not only does “sport [reaffirm] the sex/gender binary as inherent, natural, and inevitable” (Cooky et al. 2012, 32), it also bolsters “the conceptions of dichotomous, natural differences between women and men” (Dworkin et al 2013, 42). In other words, sex segregation in sport doesn’t just accept or embrace a binary model of sex-gender but helps to emphasise sexual dimorphism as natural.

Women participating in sport are both historically and contemporarily disenfranchised, made to accept inadequate resources and compensation for their work. Doyle, in a single quote, sums up the perceptions of women in professional sports:

Women are exiled as athletes no one wants to watch (because they are boring), women are pathologized as excessive in their physicality and temperament, women are regulated

out of competition for their gender variance, lesbians — visible everywhere in women's sports as athletes and fans — are ignored with an astonishing aggression (2013, 420).

Womanhood in sport is not just regulated by established policies, but also by dismissal, lack of investment, and pathologisation. In fact, Doyle's (2013) argument seems to suggest that there is no right way to be a woman in sport, only a whole lot of wrong ways to try.

Much of this disenfranchisement of women is due to the fact that “the celebration and promotion of hegemonic masculinity has historically been, and continues to be, an important part of competitive sport” (Miller 2014, 296; Moreira 2013). Furthermore, because masculinity and femininity are conceptualised as binary opposites, the association of sport with masculinity inherently renders it oppositional to femininity. As a result, “the female sporting body is formed through what it lacks in comparison to the excess, or normalization of excess, found of the male” (Vannini and Fornssler 2011, 252). The female athlete is always playing catch up, always operating outside the boundaries of both hegemonic masculinity and acceptable femininity.

Sportswomen, and their bodies that exist in tension with traditional notions of femininity, are inherently transgressive (Tolvhed 2013). Brenna Munro explains the paradox: “Female athletes inhabit impossible bodies, where our desire for the ideal—the Olympian, the record-breaking—comes up against our drive to normalize” (2010, 387). The celebration of elite bodies in professional sports is countered by societal expectations of the obedient, “correct” female body. As such, female athletes are made to uphold the “feminine bargain” (Miller 2014 297; Batelaan and Abdel-Shehid 2020, 154; Tolvhed 2013; Vannini and Fornssler 2011), performing hyper-femininity both inside and outside of the sporting arena, particularly in terms of physical appearance and perceived sexuality. Female athletes are thus forced into a contradiction, “a paradox that is firmly centered on the body and bodily performances” (Miller 2014, 296). Furthermore, “masculinity in women has been inextricably annexed to lesbianism, particularly in

sport” (Caudwell 2003, 377), such that sportswomen are expected to comply with compulsory heterosexuality and traditional motherhood as a way to counteract that link.

Particularly in professional sports, “the presence of bodies that appear as space invaders threatens those bodies that purport to belong” (Adjepong 2020, 874). As noted above, female athletes challenge the traditional notions of embodied masculinity and femininity, thus positioning themselves as space invaders. Black sportswomen are subject to intense surveillance and regulation as they are seen as invading both male and white-dominated spaces. This surveillance and exploitation of Black sportswomen are carried out in the name of maintaining gender integrity, while simultaneously perpetuating “the idea that African bodies are monstrosities” (Batelaan and Abdel-Shehid 2020, 147). The policing of Black bodies in the name of “fairness” re-emphasises the notion that they are inherently unruly and in need of control.

While racial segregation in sport has a long and violent history, Black people now compete across various professional sports at the highest levels. Even so, they are often hailed only for their physical prowess and are not considered to be intellectually impressive. They also face higher pressure to compete, even when injured, a phenomenon that is brought on by the “white fascination with and disregard for black bodies” (Batelaan and Abdel-Shehid 2020, 150). The co-mingling of this fascination and disregard means that, when Black athletes are not successful or face loss in sport, they face extreme racism from in-person audiences and online fans. When they do not win, Black athletes are only seen as Black.

Because Blackness is conflated with raw athleticism (Doyle 2013), Black athletes are inherently coded as masculine and, by extension “Black sportswomen are overdetermined as masculine” (Adjepong 2020, 875). At the same time, “Black female athletic success [is] not only a sign of failed femininity but hailed as evidence of their questionable humanity” (Miller 2014,

298). That means that Black women are held to impossible standards of success yet cannot be successful in sport without simultaneously subjecting themselves to ungendering and dehumanisation.

Sex testing and gender verification in professional sports rely on hegemonic ideas of race and gender that are rooted in histories of colonialism, apartheid, and slavery (Batelaan and Abdel-Shehid 2020; Cooky et al. 2012; Munro 2010; Tolvhed 2013). Because “the linkage between athleticism and masculinity is based on the co-constitution of gender and race” (Dworkin et al. 2013, 43), professional sports historically and contemporarily provides a platform for the perpetuation of hegemonic masculinities and white supremacy (Batelaan and Abdel-Shehid 2020). As Aaren Pastor explains, “these hetero-reproductive gender ideologies that work in service of creating the ideal nation state also rely on the construction of a racial other” (2019, 12). The policing of gender according to Western ideals of femininity indeed means that race is inherently policed as well.

The binary system of sport relies on discrete and immiscible categories of sex-gender, such that “to be male and masculine is not to be female and feminine” (Krane and Symons 2016, 122). This is important because (i) “binaries only make sense to the extent that the two sides are exclusive of each other” (Erikainen 2020, 14) and (ii) this exclusivity inherently forbids any hybridity that might threaten the distinctions of those binaries. The binarised organisation of sport is not a mistake that relies on incomplete or inaccurate sexual dimorphism; rather, it is an intentional form of regulation that ensures the exclusion of athletes and bodies that do not or refuse to fit into a given category.

The regulation of femaleness in sport is “allowed, encouraged, and propagated in the name of ‘fairness’ in the sport, in the name of ‘justice’ for the women competing” (Pastor 2019,

4; Schultz 2019). According to sporting governing bodies, equal opportunity in sport relies on the maintenance of a sex-segregated system (Vannini and Fornssler 2011). With the advent of androgen testing, “sport officials opportunistically move between two platforms of justification for the regulation [of testosterone]: protecting health and protecting fairness” (Karkazis and Jordan-Young 2018, 28). Androgen-limiting regulations use false benevolence to pathologize hyperandrogenism which, in itself, is not a medical disorder (Behrensen 2013). In fact, the medical interventions for hyperandrogenism are more harmful than their symptoms.

Testosterone, a simultaneously singular and multifaceted hormone in all human bodies, is now considered foundational for establishing the boundaries of acceptable gender in professional sports. Utilising design theorists Rittel and Webber’s notion of “wicked problems” (Schultz 2019, 608) as those that are inherently unsolvable, gender and sport scholar Jaime Schultz wrote, “sport authorities, athletes, scientists, physicians, arbitrators, and academics have *made* testosterone a wicked problem by using it to ‘tame’ the untamable question [of] who can compete as a woman” (Schultz 2019, 609). In other words, testosterone has been made to carry a burden for which it is wholly unqualified: the definition of womanhood.

For gender non-conforming athletes, gender segregation policies in sport are based predominantly on gender consistency; athletes who do not identify as their gender assigned at birth have to show proof of medical and life transition for extended periods of time that can range between six months and two years. In their article on how trans* athletes’ queer failure, Mia Fischer and Jennifer McClearn critique this requirement for stability, stating:

These policies do not conceive of transgender people as including a wide range of gender identities, embodiments, and experiences that challenge the assumed stability of biological sex, the gender binary, and sexuality. Such policies omit the possibilities of gender fluid and/or agender identifications and ignore the ways in which race, class, sexuality, and ethnicity also become intersecting hierarchies (2019, 152).

So, even when policies claim to allow trans* athletes to participate, they still require them to adhere to the established binary sex-gender model. “Mainstream sports culture theatricalizes the exile and abjection of the feminine, the effeminate, the queer” (Doyle 2013, 420), such that trans and intersex athletes have to barter the medicalisation of their bodies to be included.

Despite regulations that are based on pseudo-scientific ideas about the advantages of higher testosterone levels, a crucial thing to note is that professional athletes compete at the elite level because they are physically exceptional (Fischer and McClearen 2019; Braumüller et al. 2020). “If,” as Maren Behrensen argues, “professional sports bodies are serious about compensating for luck in genetic lottery, then many more factors than just hormonal make-up and sexual anatomy would need to be controlled for” (2013, 460). So, the question becomes: If it is true that “sport is about creating, exploiting, and maintaining inequalities, or what is known commonly known as competitive advantages” (Fouché 2012, 282), why are other genetic advantages, such as the production and metabolism of lactic acid or wingspan, not regulated and policed in the same way as androgen levels and gender are (Krech 2018; Behrensen 2013)? Furthermore, athletes do not train and compete in a vacuum; physicality is only one potential advantage (Braumüller et al. 2020), with access to coaching resources, transport to competition, and cultural freedom all playing a role in the success of athletes on the global stage.

As it currently stands, the monitoring of androgen levels by World Athletics (formerly International Association of Athletics Federation or IAAF) is done via comparison to the levels of an “average male” (Pastor 2019) which begs the question of what is considered average. The monitoring is not extended to cisgender men, who may have higher or lower levels of testosterone than the arbitrary average. At the same time, trans men can compete without restriction in the Olympics because of the preconceived notion that they will not be able to

dominate over cisgender men (Fischer and McClearen 2019). As Michele Krech says in their article regarding global gender regulation, “the Regulations [on hyperandrogenism], like all past sex verification practices, apply only to female athletes. Although the Regulations do not determine an athlete’s sex or gender writ large, they effectively do so for the purpose of athletics competition” (2018, 269). That is, androgen regulations do not affect the legality of a person’s sex in everyday life but do affect their eligibility into gendered sporting competitions. Furthermore, while World Athletics regulations prevent hyperandrogenic women from competing as females, they also don’t allow them to compete in male categories (Krech 2018). So, a failure to meet the accepted androgen levels as a sportswoman means removal from competition with no alternative routes to continue to participate.

Overwhelmingly, it can be said that “as long as testosterone is the only substance that is policed in this way, and as long as women athletes are the only group targeted by this policy, the new policy remains sexist” (Behrensen 2013, 456). This is because the policy targets masculine, transgressive, gender non-conforming women, particularly those from the Global South. It is also rooted in social understandings of gender, rather than scientific evidence. Furthermore, even policies that seem trans-inclusive are disenfranchising to nonbinary people because they rely heavily on binary gender congruency.

Theoretical frameworks

In this section, I introduce and explore the major theoretical frameworks that I intend to use for my analysis. I have selected three major frameworks to address the nuance of my research topic without fragmenting the perspectives I hope to contribute.

Trans Studies

Trans Studies begins from a place of trans lives being, despite histories and dominant opinion to the contrary, liveable. Trans studies is an interdisciplinary field of scholarship that seeks to explore, understand, and amplify the experiences of trans* people. “Transgender studies, at its best, is like other socially engaged interdisciplinary academic fields... that investigate questions of embodied difference, and analyze how such differences are transformed into social hierarchies” (Stryker 2006, 3). This includes areas such as public health, religious studies, education, and sport. In the very first issue of *Transgender Studies Quarterly* in 2013, Susan Stryker and Paisley Currah argued that the inception of trans studies could be traced back to the 1991 piece “Postranssexual Manifesto” by Sandy Stone (2014). This was around the same time that the 1980s-coined term *transgender* began to gain traction as a broader positionality for the experiences of trans people. Trans studies emerged from the nexus of feminist studies and queer theory, while also being curated to account for both the lack of trans-related content and the widespread transphobia in those fields (Stryker 2006). As Stryker noted, “neither feminism nor queer studies, at whose intersection transgender studies first emerged in the academy, were quite

up to the task of making sense of the lived complexity of contemporary gender at the close of the last century” (2006, 7). Though trans studies itself was initially resistant to other forms of gender-expansiveness, such as nonbinary and genderfluid positionalities, the field continues to progress to address the ways in which gender experiences evolve across time and space. Trans studies provide a useful framework for my thesis, as nonbinary is often considered to be a part of the trans* community and because the nonbinary athletes I am focusing on also have nuanced positionalities that include transgender and trans*. Furthermore, there continue to be immensely important critiques of professional sports gender regulation policies in Trans Studies, and I hope to honour and contribute to these perspectives.

Queer of Colour Critique

Queer of colour critique emerged as a response to the limitations of the “single-issue” framework of queer theory. Queer theory historically centred the dominant white queer experience as universal and separated issues of anti-Blackness, class struggle, and nationalism from marginalisation based on sexuality. Before being named as an established framework in 2004 by Roderick Ferguson, queer of colour critique was shaped by the works of Audre Lorde and Gloria Anzaldua, amongst others. As a result, queer of colour critique benefits from the influence of Black and Chicana feminisms, as well as transnational approaches to queer studies. According to Ferguson, queer of colour critique “interrogates social formation as the intersections of race, gender, sexuality and class, with particular interest in how those formations correspond with and diverge from nationalist ideals and practices” (2004, 205). Though the intersectional perspectives of queer theory have developed over the years, it still suffers from an additive model of identity. In contrast, queer of colour analysis begins from the nexus of race, class, gender, sexuality, nationality, etc. The ways in which the co-constitution of various

positionalities are explored within the framework of queer of colour critique are particularly useful for my thesis as I seek to examine how race, gender, and nation are created, regulated, and contested in gender regulation policies of professional sports.

Intersectional Feminism

Coined in 1989 by Black legal scholar Kimberlé Crenshaw, intersectionality refers to the ways in which various systems of oppression co-influence the lives of marginalised peoples (2018). Initially created to address the disenfranchisement of Black women at the nexus of racism and sexism, intersectional feminism uses a gendered lens as a framework to examine how experiences of discrimination are simultaneously shaped by multiple identities and positionalities. More specifically, Crenshaw asserts that intersectional feminism functions as “a prism for seeing the way in which various forms of inequality often operate together and exacerbate each other” (Steinmetz 2020). Green and Bey articulate this by saying: “the Black/trans/feminist work to be done rests not in what we purportedly are but in how we mobilize ourselves and our politics in subversion of power” (2017, 445). While intersectional feminism has faced criticism for its presumed roots in identity politics, it serves to conceptualise the dynamic ways in which people engage with systematic power structures as they move through time and space. Intersectional feminism staunchly rejects the notion that oppression can be understood in isolation from other factors of identity and experience; rather, it provides a way to conceive of mutual occurrences of marginalisation without universalising different experiences. Using intersectional feminism as a framework, I will analyse the ways in which the IOC policies and sporting categories as a whole are inherently racialised and gendered.

Methodology

In this thesis, my goal is to examine gender regulation policies from the IOC to show how sex-gender is regulated in professional sports and the ways in which gender diverse athletes resist and challenge this regulation. In my analysis, I qualitatively examine how the guidelines for sex-gender regulation are constructed and conveyed through organisational policies and frameworks. I also explore how this regulation impacts and is impacted by gender diverse athletes and their quest for gender autonomy. Because the IOC Consensus is self-defined as a “living document” (2015, 1) and the IOC Framework “replaces and updates” (2021, 1) its predecessor, my main methodology is critical discourse analysis (CDA).

Discourse analysis is founded on the understanding that no discourse is neutral (Strauss and Feiz 2014); that is to say that all speakers and writers take a particular stance in producing and enacting discourse. Furthermore, our discursive practices and conventions shape how we navigate and understand the world around us (Paltridge 2012). Discourse is, thus, used to normalize, institutionalise, and legitimise various ideologies in order to construct power and control.

Importantly, the use of discourse analysis as a methodology involves the recognition that discourse is relational. Discursive practices contribute to social practices and are simultaneously shaped by social practices (Jørgensen and Phillip 2002). Additionally, discourse is central to the production and maintenance of ideologies in contemporary society, which in turn impacts relations of domination.

Critical discourse analysis is distinct from discourse analysis in that it specifically focuses “on the effect of power relations and inequalities in producing social wrongs, and in particular on the discursive aspects of power relations and inequalities” (Fairclough 2013, 8). Therefore, it is important to note that CDA is an inherently and overtly political methodology that is committed to social change. CDA crucially seeks to uncover how discursive practices create and maintain unequal power relations.

I particularly selected CDA as a methodology for its emancipatory goals and because it can be used to productively engage with issues of marginalization and social justice present in trans studies and queer of colour work. Though CDA has been critiqued for lacking in objectivity (Lazar 2005), it importantly helps to disrupt notions of scientific and scholarly neutrality at its core. CDA both examines and engages with how power is discursively created and resisted, with the express goal of social change that addresses oppression.

Analysis and Discussion

IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism

In November 2015, the International Olympics Committee released their IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism (henceforth IOC Consensus), outlining the eligibility requirements for sex- or gender-nonconforming athletes who seek to participate in professional competition. This iteration of Olympic gender regulations replaced the previous 2012 IOC Regulations on Female Hyperandrogenism and provided a testosterone threshold that was absent from the 2012 Regulations. This document emphasised testosterone level restrictions, gender consistency, and the importance of fairness in women's competition. In my analysis, I identify three key discursive themes in the IOC Consensus: (1) the use of scientific and medical jargon as a legitimiser of suspect endocrinal knowledge and conflation of discrete sex/gender experiences; (2) the overarching requirement for gender consistency that assumes gender to be stable, which disenfranchises nonbinary athletes; and (3) the emphasis on nondiscrimination and fair competition to justify exclusion and regulation.

Science and Medicine as a Legitimiser

In the IOC Consensus, scientific, and specifically clinical, language is used to convey and uphold legitimacy for the included regulations. This is done through the inclusion of so-called medical experts, as seen by the twenty participants listed on the first page, as well as through the use of hormonal (read: testosterone) thresholds and the homogenisation of intersex and trans*

bodily functions and experiences. In doing so, the IOC weaponises science as irrefutable truth, rather than a reflection of cultural discourses.

The IOC consensus begins with a list of their twenty participants, which include members of the IOC Medical & Scientific Commission, medical and scientific advisers from multiple disciplines, and the IOC legal counsel and other legislative consultants. Each name is situated on the left with a description of titles and/or qualifications on the right. From sports and clinical medicine to physicists and genetics, the medical and scientific experts make up a vast range of expertise. However, only seven of the participants are active medical doctors, and only two specialise in endocrinological research that is relevant to testosterone and other hormonal thresholds in sports.

The list itself speaks to the use of science and medicine as a legitimiser of IOC policy, gender regulation policy specifically. By placing the list of the participants on the first page of the document, the IOC Consensus seeks to illustrate to readers that the enclosed regulations have been crafted by experts across various fields of medicinal sciences. Before any stipulations are even shown, the list conveys a tone of absolute authority that those who played a role in writing the Consensus are institutional and field-wide specialists.

There are two participants in particular whose presence warrant closer analysis. The first is Joanna Harper, whose description reads “Chief Medical Physicist, Radiation Oncology, Providence Portland Medical Center” (IOC Consensus 2015, 1). Harper is a self-defined “avid distance runner” (Harper n.d.), author, and researcher. Her profession as a medical physicist involves working with radiation machinery, such as CT scanners, to detect tumours and collaborating with oncologists to create diagnostic and treatment plans for cancer patients (Levine 2017). Her research focuses on transgender women athletes and the impacts of hormonal

and surgical transition on athletic performance. Harper served as a witness for the IAAF (now World Athletics) during the landmark case of Indian runner Dutee Chand, calling testosterone “without doubt, the single most important differentiating factor between male and female athletic achievement” (CAS 2014, 97). As of the 2015 IOC Consensus, she was also the only trans person to serve as an advisor for the International Olympic Committee (Harper n.d.).

While Harper does not believe that trans women are “taking over sport,” she is vocal about her support for testosterone thresholds and medical eligibility requirements. She strongly opposes the notion “that trans women should be allowed to compete in high level sports simply based on gender identity” (Harper 2021a). Harper firmly argues that there are distinct differences between cisgender males and females which translates to specific differences between transgender women and cisgender women in elite sports; these differences, according to Harper, manifest as both advantages and disadvantages (Harper 2021a).

Harper’s belief of inherent differences between cisgender and transgender women is crucial in that she is adamant that medical transitions are necessary for trans women to be eligible to participate as women in professional sporting competitions. Thus, despite her expertise in an entirely separate field, Harper participated in the crafting of the 2015 IOC Consensus. Her presence as a transgender woman allowed the IOC to display their commitment to ensuring “that trans athletes are not excluded from the opportunity to participate in sporting competition” (IOC Consensus 2015, 2) while also having a participant that supported their clinical testosterone threshold regulations.

The other participant to be analysed is Prof Martin Ritzén, “Professor Emeritus, Dept of Woman and Child Health Karolinska Institutet” (IOC Consensus 2015, 1). Listed as a professor, Martin Ritzén attended medical school at Karolinska Institutet, one of the world’s leading

medical universities. His primary focus was pediatric endocrinology and his later research addressed testicular and adrenal disorders, including Disorders of Sex Development or DSDs (Ritzén n.d.). Like Joanna Harper, Dr. Ritzén testified for the IAAF (now World Athletics) during the CAS case of Dutee Chand and serves as an advisor for the International Olympic Committee.

Dr. Ritzén's participation in the IOC Consensus is particularly relevant because his testimony in the Chand case justified the numerical testosterone threshold of 10 nmol/L in the IOC Consensus. He stated that "higher testosterone levels is '*the most important factor*' explaining the difference in physical performance found between male and female athletes" (CAS 2014, 53) and also noted that the 10 nmol/L limit which was employed by the IAAF at the time was "*arguably too generous*" as the chance of healthy women having such a high testosterone level is "*zero*" (CAS 2014, 56). According to Dr. Ritzén's oral testimony, 10 nmol/L represented five standard deviations from the 4.5 nmol/L average testosterone levels found in women with polycystic ovarian syndrome (PCOS) and fell within the range for cisgender males. Thus, Ritzén argued that "if statistically there is no overlap between men and women's testosterone levels, then a woman with 10 nmol/L of testosterone is an outlier with an advantage which results in the competition being unfair" (CAS 2014, 58).

While I am not analysing the CAS Interim Arbitral Award in this thesis, it is important to explain the specific details of Prof. Martin Ritzén's written and oral testimonies. This is because these statements, as well as his participation in the crafting of the IOC Consensus, were instrumental in the IOC's decision to adopt the 10 nmol/L numerical testosterone threshold used by the IAAF (now World Athletics). Thus, in the IOC Consensus, a transgender woman must ensure that "that her total testosterone level in serum has been below 10 nmol/L for at least 12

months prior to her first competition” (IOC Consensus 2015, 2) in order to meet eligibility requirements. Dr. Ritzén’s contributions meant that the IOC moved from a case-by-case examination of alleged high testosterone levels to a specific cut-off value for any transgender woman seeking to compete.

Hormonal medicine plays a massive role in sporting gender regulations and the maintenance of the binarily-gendered competition structure prevalent in most professional sports. In particular, testosterone infiltrates both social and medical discourses of the boundaries of gender in sport, being used to create distinct lines between “male” and “non-male” athletes. As Rebecca Jordan-Young and Katrina Karkazis argue in their book *Testosterone: An Unauthorized Biography*, “because T is coded as natural and in the realm of biology, just the mention of T can lend the veneer of science to simply anecdotes” (2019, 17). This means that in arbitration cases or in policy-making, so-called experts provide testimony on incomplete, inaccurate, or anecdotal research to frame testosterone as a legitimate indicator of gender categories.

A number of queer feminist science scholars have explained that endocrinal biology is not as simple as testosterone being the “male” hormone and oestrogen being the “female” hormone (Oudshoorn 1994, 8). In fact, hormonal science, and all other science for that matter, is highly relational to cultural discourse. How we understand the formulation of sex and gender depends as much on sociocultural ideas as it does on developments in science. As Jordan-Young and Karkazis explain, “the idea of endocrinological sex didn’t emerge from nature; it was created in the lab” (2019, 12). There is no inherent maleness in testosterone. Instead, scientists have assigned testosterone as a male hormone to categorise gender as distinctly as possible. The IOC’s implementation of a testosterone threshold does not just create rules of eligibility; the Consensus itself serves to legislate the boundaries of womanhood at the highest sporting level.

The truth is that testosterone is both too simple of a molecule to hold all the answers to sexual and gender diversity and too complex to be reduced to a single marker of maleness. In terms of functionality, testosterone plays a fundamental role in muscle development, reproductive function, and sexual libido across all sexes (Jordan-Young and Karkazis 2019). Thus, despite the participants of the IOC Consensus arguing that testosterone is the most important determinant of athletic ability, studies have been unable to consistently and conclusively prove a relationship between testosterone and athleticism (Chodosh 2019; Karkazis and Vazel 2019). Furthermore, the importance of testosterone is overemphasised, which results in other crucial factors of athletic evolution being ignored. This includes class-related factors such as access to healthcare and elite training facilities, quality of diet, and geographical safety, as well as other physical factors such as age, weight, speed, and wingspan. In other words, it is imperative that we “slow down the avalanche of assumptions about athleticism and T[estosterone], and the related assumption that sex overwhelms other differences between trained athletes” (Jordan-Young and Karkazis 2019, 194). This would result in a more holistic understanding of how sociocultural forces impact the training, development, and competition of professional athletes, none of which are neutral.

The IOC document being titled a “Consensus” has implications for all three discursive themes. The word “consensus” is derived from Latin and means an agreement; its roots taken individually mean to “feel together” (Online Etymology Dictionary n.d.). Thus, the overall assertion of the IOC Consensus title is that the regulations enclosed, as well as their foundational ideologies and resulting consequences, were agreed upon by a group of people, namely the participants listed on the first page.

By calling the document a consensus, wherein the participants are all depicted as scientific and legislative experts, the IOC is making clear who matters. The relevant stakeholders are framed as being those people who can contribute legitimacy to the regulations, rather than the athletes and federations that the regulations will impact. Furthermore, the label of consensus renders the document transcendent of critique: every person of significance agrees on what is enclosed in the IOC consensus and thus there is no room for tension, disagreement, or criticism.

The title of the IOC Consensus marked an explicit conflation of transgender and intersex bodies being regulated for sport, which was not seen in previous iterations of this document (2015, 1). The IOC Regulations on Female Hyperandrogenism of 2012 focused solely on a single intersex condition. However, with the rise of professional trans athletes competing publicly and the CAS ruling that suspended the IAAF's Hyperandrogenism Regulations, the IOC Consensus title combined the eligibility requirements for a variety of dissimilar nonconforming bodies. Thus, the regulations in the IOC Consensus were about two things: sex reassignment in relation to transgender athletes (particularly women) and hyperandrogenism (again with a focus on women). The conflation of trans and intersex bodies in the IOC Consensus did more than just erase the multiplicity of embodiments and experiences of trans and intersex athletes; it also served to formulate a singular approach that pathologised any athlete who did not fit into distinct binary categories of sex and gender.

The IOC Consensus, although supposedly about both sex reassignment and hyperandrogenism, is largely concentrated on highlighting the eligibility criterion for transgender athletes. More specifically, four of the five transgender athlete regulations in the document are specifically related to the restrictions for trans women seeking to participate in sporting competitions (IOC Consensus 2015). The "Hyperandrogenism in female athletes" section (IOC

Consensus 2015, 3), on the other hand, does not contain any specific criterion. Instead, this portion of the document re-emphasises the promotion of fairness and protection in women's sports and encourages the IAAF to submit new evidence to CAS in order to have their hyperandrogenism rules reinstated. Thus, because intersex athletes may less plainly challenge the binary boundaries of gendered sports categories, they became an afterthought to the increased regulation of trans* athletes in the IOC Consensus.

According to Stuart Hall, "it is not science as such, but whatever is in the discourse of a culture, which grounds the truth about human diversity, which unlocks the secret of the relations between nature and culture, which unties the puzzling fact of human difference, which *matters*" (1997, emphasis added). Science and medicine are weaponised through the employment of a list of medical and scientific specialists and the introduction of a numerical testosterone threshold in the IOC Consensus. By using medical and scientific jargon, without citational evidence for such regulations, and experts, the IOC is not just crafting and determining policy; they are also constructing what counts as legitimate knowledge and setting the boundaries of acceptable gender consistency. Thus, the IOC Consensus is not only a policy document but also an epistemological document, claiming authority over the production and dissemination of knowledge.

Gender Consistency Requirements

In the IOC Consensus, the adopted regulations include a stipulated criterion that requires gender consistency whereby athletes are expected to maintain an approved gender identity for a fixed time. Through the requirement of unwavering testosterone levels and long-term declaration of gender identity, the IOC consensus relies on the assumption of gender as stable. These rules,

and their binary languages, ignore the fluid nature of gender experiences and lead to increased marginalisation for nonbinary athletes.

In 1997, sociologist Stuart Hall gave a ground-breaking lecture at Goldsmith College, where he argued that race is a “floating signifier.” In other words, he explained that race is a discursive category, that race itself does not hold innate meaning but that it gains sociocultural meaning through our relational understandings of it. As Hall says, “the meaning of a signifier can never be finally or trans-historically fixed. That is... there is always, a certain sliding of meaning, always a margin not yet encapsulated in language and meaning” (Hall, 1997).

Similarly, in both the IOC Consensus and the IOC Framework, (trans)gender and sex are floating signifiers.

The word transgender appears once in the IOC Consensus document (with trans also appearing once) and only appears twice in the entirety of the six-page IOC Framework document. As Hall argued on race, gender “is not fixed in its inner nature,” but rather “floats in a sea of relational differences” (1997). Both documents begin from an assumption that sex, gender, and transgender amongst other descriptive categories, can be distinctly and singularly defined. In fact, this assumption is so taken for granted that our presumed collective understandings of what these terms mean become the basis upon which the medical and scientific limits of eligibility stand.

For transgender women to be able to compete, the IOC Consensus required that “the athlete has declared that her gender identity is female” (2015, 2). This is an oxymoron because “female” is not a gender identity, but an (incomplete) assignment of sex. This requirement illustrates the IOC’s conflation of sex and gender, as well as the pervasive binarisation of sex categories. In other words, if one is transitioning, then it is assumed that it is from one discrete

category to another discrete category. However, as Susan Stryker notes, to be trans is to move “across a socially imposed boundary away from an unchosen starting point” (2009, 1). As such, transitioning is not a linear experience and does not involve a passage with fixed start and endpoints.

The guideline continues that “the declaration cannot be changed, for sporting purposes, for a minimum of four years” (IOC Consensus 2015, 2). This rule prevents the possibility of athletes switching competitive gender categories in order to maximise their athletic advantage. With this regulation, the IOC are reinscribing the stereotype of transgender people as “evil deceivers or as openly bogus” (Bettcher 2007, 59). Not only is this an incorrect portrayal of gender experience (fluid or stable), but it also amplifies the violence that trans people are subjected to. Creating a regulation that assumes that trans people “use” gender to deceive people or to gain competitive advantage is not only wholly incorrect but is also highly dangerous, perpetuating violent transphobic ideology. This ideology directly contributes to the ever-increasing amount of anti-trans legislation that creates barriers to healthcare and sporting participation for trans people (Lavietes 2022).

Not only does the rigidity of gender consistency mark transgender athletes as deceptive, rendering them deserving of suspicion and surveillance, it also violently erases the existence of nonbinary and genderqueer athletes. By requiring athletes to “declare” a binary gender identity that “cannot be changed” (IOC Consensus 2015, 2), the IOC is reasserting the notion that gender is a stable binary. This, in turn, means that athletes who experience gender more fluidly or who do not wholly connect to fixed understandings of “man” and “woman” are both made invisible in and violently excluded from professional sports. Thus, the violence of erasure occurs both

through pretending that gender diverse athletes don't exist and by forcing athletes to take on a label that does not align with their embodiment just to compete.

The IOC Framework migrates away from the explicitly rigid gender consistency requirements of its predecessor. However, the more overt support of gender autonomy in the new document still maintains that “most high-level organised sports competitions are staged with men's and women's categories competing separately” (2021, 2). In other words, gender, at least in the world of professional sports, is still a tale of two distinct categories. Global LGBTQ+ political expert Matthew Waites rightly articulates that “‘gender identity’ tends to privilege notions of a clear, coherent and unitary identity over conceptions of blurred identifications” (2009, 147). Thus, while the IOC Framework now allows athletes to self-identify in a multitude of ways, they are still compelled to adhere to binary divisions of gender in order to be able to compete in most elite sporting competitions.

The notion of a consensus further drives home the requirement for gender consistency. Not only, then, is the IOC perpetuating an assumption that gender is stable but the IOC “Consensus” is that gender is constant and that the requirements are logically sound. Moreover, labelling a “Meeting on Sex Reassignment and Hyperandrogenism” (IOC Consensus 2015, 1) a consensus is a declaration that the IOC only recognises a singular understanding of trans* and intersex experience; anything outside of this normative perspective is subject to increased risk of regulation and exclusion.

Fairness and Non-discrimination

The IOC Consensus emphasises the role of fair competition, rejection of unfair advantage, and level playing fields in the crafting of gender regulations. However, this focus on fairness and non-discrimination is used to justify policy-making that is inherently exclusionary.

Moreover, there is a deeply racist undertone to the use of fairness as a justifier of exclusion as well as a clear asymmetrical emphasis on regulating women athletes and policing fairness in women's competitions more than in men's.

The word fair originates from the Germanic roots of the Old English word "fæger," meaning pleasing or attractive. Originally a word synonymous with beauty or peace, the meaning of fair became racially coded around the thirteenth century (Domonoske 2014). Over time, to be fair became focused on skin colour and specifically referred to light complexion as a symbol of beauty and purity. While the IOC are obviously not explicitly referring to physical beauty when they argue that "the overriding sporting objective is and remains the guarantee of fair competition" (IOC Consensus 2015, 2), the focus on fairness is a reminder that the boundaries of womanhood in sport are highly racialised.

The IOC Framework takes this one step further, placing the word "fairness" first in its title to emphasise what the framework focuses on. Their fourth principle, fairness, explains that eligibility criteria can be created for the purposes of "providing confidence that no athlete within a category has an unfair and disproportionate competitive advantage (namely an advantage gained by altering one's body...)" (IOC Framework 2021, 3-4). While this seems to suggest a preventative measure against doping, it fails to account for natural differences in athletes' bodies and how regulations often force alteration to allow some athletes to compete. Referencing the disqualification of Namibian runners Christine Mboma and Beatrice Masilingi from the 2020 Olympic games, the ACLU rightly noted that "Black women are required to alter their bodies and practices, inside and out, simply to step onto the playing field. And once they finally have a spot, their achievements are denied and their work is undermined, punished, and disqualified for reasons that are profoundly unfair" (Mar, Moore and Saldanha 2021). Whether it is natural hair

or testosterone levels, Black women's bodies are held to white bodily standards (Magubane 2014) and both the IOC Consensus and the IOC Framework continue to centre whiteness as normative in varying ways.

Finally, calling this document a consensus articulates a notion of fairness that is beyond reproach. The IOC are essentially saying that they have determined their regulations fair and non-discriminatory and that all relevant experts agree. What is particularly resonant about this declaration of consensus is that those in agreement are not those athletes subject to the regulations, not those being surveilled, and certainly not those facing exclusion in the name of fairness. So, the declaration of this document as an "IOC Consensus" implements an additional hierarchy of whose knowledge, expertise, and agreement is deemed worthy of being part of the policy-making process.

IOC Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations

In November 2021, following years of pressure from trans activists and endocrinal medical experts, the IOC released their new IOC Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations (henceforth IOC Framework). The document, which replaces and updates the previous IOC Consensus, marks a shift by the IOC from specific gender regulation policies to guidance on the policy development process. The framework is made up of ten principles to guide the crafting of eligibility requirements by international federations, but once again centralises the key role of fairness in preserving the integrity of women's sports. My analysis of the IOC Framework focuses on three specific discursive themes: (1) how ambiguity replaces specific medical requirements while maintaining amorphous control of the regulatory process; (2) the transfer of responsibility both away from

athletes having to validate their gender experiences and away from the IOC onto international federations to craft their own policies; (3) the gendering of fairness and inclusion and how rights discourses individualise gender regulation in professional sports.

Trading in Expertise for Ambiguity

The IOC Framework importantly abandons specific testosterone thresholds and moves away from the use of medical and scientific expertise as a legitimiser. In doing so, the document has an overriding tone of ambiguity. In relinquishing control of eligibility, the IOC also relinquishes responsibility; thus, while trans and intersex athletes may no longer face direct regulation and surveillance from the IOC as a result of the IOC Framework, they may now be subjected to more discreet forms of surveillance and more amorphous regulatory control from various other federations and organisations.

One of the major changes from the previous IOC Consensus to the current IOC Framework is that the participants of the document are no longer listed. While the IOC Consensus highlighted the expertise of their participants on the very first page of the document, the participants of the IOC Framework are not listed and have not even been made publicly available. Rather, the IOC Framework “was developed following an extensive consultation with athletes and stakeholders concerned” (2021, 1); according to the IOC, this includes athletes, sporting bodies, and other relevant experts. However, the exact process of consultation and the specific stakeholders consulted have not been made public. Thus, this document is highly ambiguous in nature with very little information on how it came to be beyond being an “update” of the previous IOC Consensus.

The IOC Framework, for the first time since 1966, does not contain any explicit sex or gender verification regulations. After decades of “nude parades,” body tests, chromosome

detection, and hormonal thresholds, it is now official policy that “no athlete should be subject to targeted testing because of, or aimed at determining, their sex, gender identity and/or sex variations” (IOC Framework 2021, 3). This change, according to Katrina Karkazis, “promotes gender autonomy” (Karkazis 2021). However, I am less convinced of Karkazis’ optimism and would call it more a deferment to, rather than a promotion of, gender autonomy. While athletes are not being targeted for testing due to their sex-gender, allowing them to embrace their autonomy with slightly less hostility, the IOC remains ambivalent toward regulating a safer environment for trans* and nonbinary athletes to compete and be publicly out. Still, it is crucial to state that this is a landmark transition for the IOC. The removal of any explicit physical eligibility requirements is an important indicator that those requirements were always refutable and that they did not, in fact, protect the integrity of professional sport.

Moving away from testosterone thresholds, the IOC Framework includes a principle that requires that “any restrictions arising from eligibility criteria should be based on robust and peer reviewed research” (2021, 4). While Joanna Harper remains dedicated to the belief that testosterone thresholds are vital to sports, she makes a valid point that “it will be at minimum several years and probably decades before such research exists” (2021b). Thus, it begs the question of what the IOC would consider “robust” evidence that “demonstrates... disproportionate competitive advantage and/or unpreventable risk” (IOC Framework 2021, 4). More importantly, it remains ambiguous whether the IOC would conduct thorough reviews of policies that may be using fraudulent, inaccurate, or incomplete studies to craft their gender regulation policies. In fact, political science expert Dr. Jami Taylor argues that this specific principle allows space for the continued harm and disenfranchisement of trans and intersex

athletes (“IOC Transgender Guidelines” 2021); the major difference is that this harm will now be diffused across a number of various sporting bodies and the IOC will have less culpability.

Transfer of Responsibility

The IOC Framework marks a historical move away from specific regulations and hormonal thresholds. In fact, the IOC Framework notes that “the IOC is ... not in a position to issue regulations that define eligibility criteria for every sport, discipline or event across the very different national jurisdictions and sport systems” (2021, 1). This transfer of responsibility results in two things: (1) the onus is not on individual athletes to prove or justify their genders and, (2) the onus shifts from the IOC to international federations and sporting organisations.

Principle five of the IOC Framework claims that there should be no presumption of advantage. More specifically, “no athlete should be precluded from competing or excluded from competition on the exclusive ground of an unverified, alleged or perceived unfair competitive advantage due to their sex variations, physical appearance and/or transgender status” (IOC Framework 2021, 4). Simply put, athletes are now innocent until proven guilty. Rather than gender-nonconforming (or those assumed to be) athletes bearing the obligation of proving their gendered eligibility, the burden of proof is now on international federations. These federations have to provide proof of “unfair competitive advantage” (IOC Framework 2021, 4) while also adhering to the principles in the IOC Framework for what counts as evidence.

The crafting of the IOC Framework indicates a ceding of responsibility on behalf of the IOC to international federations to produce and justify their own eligibility regulations in terms of sex and gender. According to the IOC Framework, “the IOC recognises that it must be in the remit of each sport and its governing body to determine how an athlete may be at a

disproportionate advantage against their peers, taking into consideration the nature of each sport” (2021, 1). In doing so, the IOC relinquishes its responsibility to regulate inclusion and eligibility across multiple sports, instead turning the task over to individual federations. On the one hand, this transfer of responsibility is an explicit acknowledgement of the fact that the IOC does not select athletes to compete in the Olympic Games; this task is in the hands of national and international sporting bodies. As a result, this strategy acknowledges the heterogeneity of different sports and the relevant athletic requirements, as well as that physical and mental ability and skill differs and that the notion of “unfair advantage” likely varies as well. On the other hand, it is a 180° turn from the IOC having overarching control over gender regulations to entirely ceding responsibility without admitting the harm previous IOC policies have caused.

The transfer of responsibility in the IOC Framework is not explicitly positive or negative. Moving the onus off of individual athletes helps to mitigate targeted harm while passing off the burden of proof to multiple international federations reduces the IOC’s culpability should harm continue to be perpetrated against gender-nonconforming athletes. Legal scholar Dean Spade asserts that “power is not a matter of one dominant individual or institution, but instead manifests in interconnected, contradictory sites” (2015, 4). By disseminating the responsibility for policy-making onto international federations, the IOC not only renders themselves less accountable for dangerous consequences but also maintain a more covert control over the boundaries of gender regulation.

Gendering of Fairness and Inclusion

The IOC Framework, like its predecessor, places a strong emphasis on the role of fairness in professional sports. Also, like the previous IOC Consensus, the IOC Framework disproportionately foregrounds the significance of fairness and inclusion in women’s

competition. This gendered focus on maintaining and protecting the integrity of women's sports indicates a genealogical thread between the two documents and, more importantly, illustrates the IOC's insistence on regulating the boundaries of womanhood in sport through policy-making.

Fairness in the IOC Consensus and the IOC Framework are both highly gendered and entirely ciscentric. Britni de la Cretaz explains:

Particularly cis people, and even trans people who have internalized the cis framing around this, often argue that fairness should be about what's fair to the cis people who have to compete against trans people and not what's fair for the trans people who are trying to compete, or reframe it as "how do these cis athletes feel about having to compete against trans women," and not how do the trans women feel about being excluded from the ability to compete. (Woodstock 2021, 13:55)

In other words, fairness in these policy documents remains about protecting cis athletes *from* trans athletes, rather than about investing in the integrity and continued elite level of women's sports around the world. Furthermore, it marks the presence of trans athletes (specifically trans women) as inherently unfair and cis women in need of intervention from the invasion of trans athletes.

The notion of fairness is intriguing because women's sports remain underrepresented, underdeveloped, and under-appreciated at every level. Yet, when the conversation is about trans inclusion, fairness is of utmost importance. As author Glennon Doyle stated in her podcast, *We Can Do Hard Things*, "over and over again, women inside of sports are telling the world what they need to make sports fair. They need investment. They need to be paid. They need healthcare. ... But all of that goes unanswered" (2021, 30:53). In fact, the lawmakers who advocate so loudly for equality in women's sports when trans people are being "debated" rarely promote or champion for women's sporting equity in other instances. Thus, the message is very clear: "Whenever they tell us that they're trying to protect women ... They're just trying to use women as an excuse to keep groups oppressed" (Doyle 2021, 31:29). Much like other

policymakers, the IOC's asymmetrical focus on protecting women exists only insofar as it helps to target another vulnerable population.

Along with fairness and inclusion, the IOC Framework also includes non-discrimination in its title as well as one of its ten principles (2021). According to the principle, as long as they meet any criteria, “athletes should be allowed to compete in the category that best aligns with their self-determined gender identity” (IOC Framework 2021, 3). In doing so, the IOC seems to be shifting away from gender as a singular determinant of eligibility. However, the emphasis on self-determination feeds into a neoliberal individualism — whereby responsibility for success and liberty is shifted from the state to the individual and competition for resources is constructed as an advantage of free markets rather than structural failures of distribution (Queiroz 2021) — that obscures a more nebulous form of systemic transphobia in professional sports. Thus, “in order to properly understand power and transphobic harm, we need to shift our focus from the individual rights framing of discrimination... and think more broadly about how gender categories are enforced on all people in ways that have particularly dangerous outcomes for trans people” (Spade 2015, 9). While this principle in the IOC Framework superficially promotes gender autonomy, gender identity can only be “self-determined” insofar as athletes adhere to eligibility criteria of binary gender categories.

The danger of IOC documents framing gender regulation as a conversation of fairness and non-discrimination is that it beguiles people into a discourse about legality and rights. As a result, such rights discourse privatises and distracts from “political contests about distribution of resources” (Brown 1995, 124). In other words, the IOC Framework now becomes about mitigating harm to trans athletes rather than an engagement with the ways in which the IOC historically and contemporarily punitively surveilled the boundaries of womanhood in

professional sports. The flowery language of fairness “converts social problems into matters of individualized, dehistoricized injury and entitlement, into matters in which there is no harm if there is no agent and no tangibly violated subject” (Brown 1995, 124). Consequently, the IOC can claim that trans athletes now face fewer barriers to inclusion, which is true to a degree, while allowing a more dangerously fragmented form of control that becomes invisible amid conversations about rights.

The shift in title from the IOC Consensus to the IOC Framework is a way to signify progress while avoiding accountability for past harm. It is a clear recognition that not only can the IOC not produce a consensus on how gender operates and is regulated in every sport and on every athlete, but that gender has no consensus at all. There is no consensus on the experiences of gender diverse athletes because the ways they negotiate their embodiments and positionalities are wide-ranging, often in relation to their raced and classed experiences. Yet, this change remains intriguing given that the IOC Framework is more of a consensus than its predecessor, having been “developed following an extensive consultation with athletes and stakeholders concerned” (IOC Framework 2021, 1). Thus, while the development of the IOC Framework is more considerate of the implications for athletes, the decision to not label it a consensus once again reasserts whose knowledge is considered expertise in terms of policy-making.

At the same time, the new title of IOC Framework further reflects the ways in which this new document relinquishes responsibility for regulating gender while maintaining an authoritative control over the boundaries of womanhood in sport. In calling itself a framework of principles, the IOC delivers a reiteration of their ideology regarding fairness in women’s sports, while simultaneously allowing for international federations to work around the principles when producing harmful and exclusionary gender regulations. Thus, the “IOC Framework on Fairness,

Inclusion, and Non-Discrimination” (IOC Framework 2021, 1) is anything but, largely serving to reproduce the exclusionary and regulatory power relations that were already materialised in the IOC Consensus.

Ruminations on the Future of Gender in Sport

As the number of trans* and nonbinary athletes that are out and actively competing increases, so too does the hostility, surveillance, and regulation they face. Furthermore, most publicly nonbinary athletes have only been out for a year at most. Thus, how sporting federations, media, and audiences react to their presence from legislative and social standpoints continues to evolve. For this reason, every scholarly attempt to critique binarised sex-gender and explore challenges to the systemic gender categorisation is crucial to reshaping how we formulate and understand gender in professional sports.

It is also important to note that there are very few out nonbinary athletes currently who are people of colour. This speaks to the increased disenfranchisement of Black and brown athletes, as well as to the universalisation of the white queer experience in the world of sport. Additionally, there are no openly nonbinary athletes that hail from the Global South, and those who are competing currently according to regulated gender categories may not find the language of Western queer/trans* identity to fit their experiences. As such, it is difficult to assess how non-Western gender diverse athletes may challenge nationalist and racist notions of sex-gender.

Towards the end of his lecture at Goldsmith College, Stuart Hall encouraged us to “try to ask ourselves what might it be in human identification, in human practice, in the building of human alliances, which without... any guarantees at all, might enable us to conduct an ethically responsible human discourse and practice” (1997). Although his suggestion might look like unfounded optimism, it is in fact a rallying cry for us to reckon with our world of floating

signifiers. Hall's call to "responsible human discourse" asks us to question everything, to recognise that meaning is rarely ever inherent, and that meaning-making processes create, alter, and destroy the boundaries of social categories in specific ways at specific times.

It would be easy for me to say that gender has no place in sport and, in fact, I strongly adhere to a gender abolitionist perspective of most social systems. Furthermore, there are already sports where other factors, such as weight class, are used for categorisation. Even more interestingly, some entertainment sports, such as American Ninja Warrior, have established their competition as foundationally mixed-gender. Thus, it stands to reason that gender abolition in sport is not such an unreasonable idea. Yet, we are still a long way from sporting federations like the IOC being ready to unclench their grips on binary categorisations of gender.

One of the significant failures of how gender is constructed in sport is that inter-group difference is centralised while inter-group similarities and intra-group differences are rendered less relevant. In other words, "to argue that all men are physically similar to other men, and all women to other women, is to obscure variations between men and between women, as well as variations within individual bodies over time" (Averett 2021, 291). To reimagine gender in sport, it would be prudent to begin from a position that sexed bodies are more similar than they are different and that shared gender alone does not produce a logical homogenous category.

Perhaps, we are still a ways away from gender abolition in sport but gender diverse athletes and their allies are increasingly embodying new ways of resisting gender categorisation. The more such segregation is questioned, challenged, and rejected, the more gender can be de-normalised as the primary organisational strategy of sport. As a result, we can start to play with and imagine new possibilities for world-building in professional sports that do not rely on regulating elements of identity that do not bear on a person's athleticism.

Conclusion

Since its inception, professional sports have sought to repress, reshape, or remove any bodies that transgress the limited scope of acceptability. According to Eva Linghede, the very notion of nonbinary bodies, in particular, threatens to destabilise the foundations of sport as we currently know it (2018). At the same time, we are entering a time of unprecedented gender resistance in sport, as trans*, intersex, and nonbinary athletes battle for recognition and the right to compete alongside their cisgender counterparts without relinquishing their agency. Furthermore, the decision of athletes to make their gender experiences public is changing not only the rules on trans* inclusion but also the role of gender regulation in sport.

My thesis has examined how trans* and nonbinary athletes are surveilled and regulated through the use of IOC gender regulation policies and frameworks. In my analysis, I showed the ways in which gender consistency is enforced through the obligatory medicalisation of gender diverse athletes. I also noted how the language of the policies are often used as a guide for how to police trans(gressive) bodies in professional sports even as the documents perpetuate notions of fairness and inclusion.

What I hope I made clear is that, while gender does not hold inherent morality, the use of gender as a form of social organisation allows for the projection of correctness onto gendered bodies. More crucially, while professional sports is highly gendered overall, sporting federations like the IOC specifically surveil, regulate, and delineate the boundaries of acceptable womanhood. In doing so, masculinity, maleness, and manhood are framed as the norm; situated

as the most natural orientation for professional sports participation, masculinity becomes the standard by which femininity is judged and regulated, thus serving to reproduce binary gender expectations as well as cisheteronormative patriarchal power structures. Through the homogenisation of gendered expectations, the IOC Consensus and the IOC Framework simultaneously conflate and control femininity, femaleness, and womanhood in the bodyminds of athletes.

Erikainen et al. make clear that “genuine non-binary inclusion entails not only a radical rethinking of the operation of sex and gender in sport but also alternative ways of participating and experiencing sport that entail a rethinking of the meaning of sport itself” (2020, 3). In other words, the emergence and publicity of nonbinary athletes mean that sport is facing a restructuring at its core. And, while this process is likely to be slow and will undoubtedly face immense pushback, there is no going back. The queering of sport has progressed into a new phase: the transing of sport.

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