Gender Discrimination in Sport in the 21st Century: A Commentary on Trans-Athlete Exclusion in Canada from a Sociohistorical Perspective

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“[An amateur] has never competed in any open competition or for public money, or for admission money, or with professionals for a prize, public money or admission money, nor has ever at any period of his life taught or assisted in the pursuit of Atheltic exercises as a means of livelihood or is a laborer or an Indian.”

(1873)

“[H]arassment and discrimination based on sex, and sexual orientation . . . are prohibited.”

(2015)

A thorough understanding of the past can provide explanations for why change is so difficult and slow in sport. While recognizing that history does not evolve in a straight line, and single events and institutions are not representative of the whole, past examples of exclusion and discrimination in sport are helpful in identifying how and why the exclusion of transgender athletes in sport remains today. Marginalization in sport is highly complex, involving multiple power systems and players. Many Canadian recreational and elite athletes continue to struggle for opportunity and acceptance in sport. This is especially evident with the case of trans athletes in the 21st century. The lack of inclusive policies for trans athletes has resulted in discrimination, exclusion, and harassment.

At present, Canada lacks a nationwide policy regarding the inclusion of trans athletes in sport. In examining trans inclusion policies that do exist and are currently in effect at various levels of Canadian sport and in different provinces, this commentary examines some of the historical roots and barriers to inclusive sport in Canada. Inspired by Don Morrow’s work, which has drawn on multiple fields and bodies of literature (specifically, his examination of femininity ideals, masculinity ideals, and amateurism), we argue that to understand both the delays and
progress made to date in making sport a safe and inclusive space for people who identify as trans, it is important to understand and appreciate the historical origins of our current sport system. Using key moments in Canadian sport history as examples, we argue that the lack of a fair and consistently applied nationwide trans athlete inclusion policy in Canada condones gender identity–based exclusion in sport.

To better understand this divisive issue in contemporary sport, individuals and organizations seeking to develop trans sport policy would benefit from contextualization derived from the fields of sociology, philosophy, law, psychology, gender studies, political science, and the biological sciences, including the writings of Canadian sport historian Don Morrow, whose work has greatly influenced our own understanding of sociocultural sport research. As former students of Don’s, we look to trace the connection with past work examining Canadian sport policy development to contextualize the historical delays and progress to date in making sport an inclusive space in Canada. This commentary reviews the status of trans inclusion policies in effect in Canada. Yet, before we do so, we will contextualize the terms trans, gender, and sex.

While researchers often use the term gender in reference to identity (self or social), they commonly use sex to refer to an individual’s biological attributes. These simplified understandings, while commonly applied, fail to highlight that both sex and gender are socially constructed categories. For athletes who identify as trans (i.e., people who identify with the gender that is different from the sex assigned to them at birth), the feeling that their assigned gender does not align with their perceived sense of self may or may not lead them to seek medical interventions in order to transition. People who identify as trans may, or may not, actively pursue and participate in changing their physical appearance. The problematic way in which medicine and culture tend to view any form of gender nonconformity is a core issue affecting all individuals who identify as trans.

Contemporary sources examining the history of women’s sport, and the policing of women’s events, demonstrate the numerous ways in which some sports organizations have subjected, and continue to subject, some athletes to damaging and sometimes unwanted elective surgeries aimed at forcing “sex-typical” appearances and behaviors in the name of correction. As many scholars have shown, whether based on anatomy, chromosomes, or testosterone level, the policing of women athletes’ bodies functions to discriminate against women who do not subscribe to conventional notions of white, Western femininity, and compulsory heterosexuality. Several scholars, for example, have argued that the methods used to enforce gender verification are inherently unfair, enforce heterosexist ideals, and violate an athlete’s dignity.

Respecting athletes’ autonomy and right to privacy can clash with attempts to secure a level playing field and ensure no one is competing with an unfair advantage. However, physiological differences between women and men are averages, not categories or absolutes; they do not define a person as male or female and therefore should not be used to form policy. Research regarding physiological differences between males and females based on testosterone levels is thus far inconclusive, and further research in this area is needed to ensure that sport policy treats fairly people who deviate from the traditional gender binary.
For the past forty years, scholars have analyzed the sex/gender binary in sport; however, few have turned their gaze to trans individuals when studying the sex/gender problematic in sport. They point to highly embedded cultural views of femininity and masculinity that pressure athletes to ascribe to and perform masculine/feminine gender when playing all levels of sport. Indeed, scholarly analyses of hegemonic masculinities, dominant masculinity, and male privilege demonstrate that the Olympic Games were built upon notions of hypermasculinity. Of this seemingly age-old phenomenon in sport, Morrow has asked, “What does the term ‘masculine’ mean in our culture? What does it mean, for that matter, to be a man?” He problematizes the limited ways in which sport traditionally tolerated only hegemonic masculinities, dominant masculinity, and male privilege. For example he points out that the image of Simon Whitfield sobbing after his 2000 Olympic gold medal victory in the men’s triathlon functions as a counternarrative to the ideals that surround elite male athletes. Much of the media coverage of Whitfield’s emotional reaction mocked or questioned his masculinity. In 2002, when Morrow wrote about the Whitfield incident, he likely did not anticipate that his questions about masculinity and what it means to be a man would lay at the crux of policy development discussions regarding trans athletes. For those who challenge the binary gender division in sport, barriers to inclusion remain in the world of sport, including peer and media acceptance.

Morrow’s work analyzing Canada’s sporting past has revealed the long history of Canadian cultural views about what constitutes appropriate athlete behavior of athletes—both in force and enforced. For example, media coverage of figure skater Barbara Ann Scott in the 1940s demonstrated the “implicit connotations about femaleness” attached to women athletes. In questioning the constructs that surround media representations of them, Morrow probed the standard of ideal womanhood to which female athletes were held. One sexist description of Scott written in 1948 and appearing in Time Magazine depicts her as a doll—an object—instead of a world champion athlete: “Barbara Ann, with peaches-and-cream complexion, saucer-sized blue eyes and rosebud mouth is certainly pretty enough. Her light brown hair (golden now that she bleaches it) falls page-boy style on her shoulders. She weighs a trim, girlish 107 pounds, neither as full-bosomed as a Hollywood starlet nor as wide-hipped as most skaters. She looks, in fact like a doll which is to be looked at but not touched.” Media sources used athletes such as Scott to re-entrench dominant notions of femininity, and in doing so encouraged female domesticity over athletic skill.

Over a half century later, pressure to conform to the ideal woman standard continues to plague some athletes, and it can be heightened for trans women athletes. For example, downhill cyclist Michelle Dumaresq, one of the first high-performance openly trans athletes in Canada, garnered negative attention from the media and some of her competitors. In 2001, after she began competing in women’s cycling events, several cyclists complained to the Canadian Cycling Association (CCA), requesting that it declare her ineligible and bar her from competition. Dumaresq reflects: “The first year on the national team, none of the girls were talking to me. They feared what they didn’t understand.” When trans athletes are not protected by inclusive sport policies, instances of exclusion can be tolerated and condoned in sport.
Historic Barriers and Inclusive Sport in Canada

The history of sport policy development and implementation in Canada shows a legacy of unjust policies that hindered people’s ability to compete. With respect to who has the power to make decisions about the organization and administration of sport, Don Morrow reminds us that “the phenomenon that a power vacuum is always filled by a power holder . . . is constant throughout the history of society.” As he has demonstrated, early Canadian sports organizations often prioritized displaying power over, rather than empowering, athletes who wished to compete. Many consider the organization and development of the Montreal Amateur Athletic Association (MAAA) the most important organizational body influencing sport in Montreal and in Canada, and its methods can provide guidance for inclusive policy development today. The MAAA was not immune from dealing with difficult policy decisions; notably, amateurism requirements and the resulting culture of exclusion and hegemonic masculinity were in full force as the organization formed. The conflict between public perceptions of amateur and professional athletes and sport policies in the 19th and 20th centuries led to what is now referred to as the Athletic War. The outcome of this struggle had implications for amateurism in Canada and “firmly re-established the pure amateur ideal in Canadian sport.” Organizations more open to change saw value in including professional athletes, whereas those preoccupied with maintaining the amateur ideal clung to past restrictions despite their inherently sexist, racist, and class-based nature.

The terms amateur and professional were not simply labels for athletes; both categories implied ideals and values about who could play sport, and the conditions under which they could play. Eligibility and inclusion rules today continue to serve a gatekeeping function. The growing controversy over the inclusion of trans athletes in sport suggests that Canadian sport governing bodies continue to struggle to regulate athletes’ eligibility in fair and equitable ways. Indeed, reservations expressed against the participation of Canadian trans athletes mirror the outdated fears that the Canadian Amateur Athletic Union and other organizations held that some participants (i.e., laborers and Indigenous people) competed with unfair advantages or, in the case of women, were simply not welcome to compete. These same sentiments appear in policy discussions of trans eligibility criteria today.

Several sports organizations around the world, mainly in the United States, have developed trans eligibility policies in an ad hoc fashion in response to individual athletes’ requests or demands to participate. Most notably, after the U.S. Supreme Court ruled that requiring trans athlete Renee Richards to “pass” a Barr body test to compete at the 1976 U.S. Open was “grossly unfair, discriminatory and inequitable, and violative of her rights,” the United States Tennis Association, the Women’s Tennis Association, and the U.S. Open Committee revised their eligibility policies. More recently, rather than being forced to enact court-ordered policy changes, sports organizations such as the Ladies Professional Golf Association, the United States Golf Association, and Women’s Golf Australia, for example, created policies that dropped their former requirements that their competitors be assigned female at birth as a condition of their eligibility. Yet these changes did not come easily; trans athletes—and the social justice advocates working on their behalf—had to petition and fight for their right to compete.
Not all sports organizations have been as progressive or inclusive. CrossFit, for example, continues to maintain a policy that bars trans women from competing in women’s events. According to one of CrossFit’s attorneys, “the fundamental, ineluctable fact is that a male competitor who has a sex reassignment procedure still has the genetic makeup that confers a physical and physiological advantage over women.” In requiring that competitors must compete in the sex category assigned to them at birth, regardless of their legal or self-identified gender, CrossFit’s policy on trans athletes has been a source of controversy. Unfortunately, not all national federations or sports organizations include trans athletes in their sport.

Policies in effect continue to vary across provinces, level of competition, and sports. They vary across different levels of educational institutions and between national sports federations. For example, the U Sports organization that administers Canadian intercollegiate sport does not have a specific policy regarding inclusion for trans athletes. This is in contrast to the National Collegiate Athletic Association (NCAA), which has developed clear guidelines for American intercollegiate sport. As public awareness of the discrimination that trans people continue to face grows, it is increasingly important to ensure that rules in sport acknowledge trans people and their roles in athletics and society as a whole. When no policies exist, people who do not fit within the existing gender binaries must choose between two grim realities: stop playing the sport or compete in a gender category that does not match their identity.

Like earlier inclusion policies that protected the right of workers, women, and racialized groups, the creation of eligibility policies fosters inclusion and brings awareness to the challenges trans athletes endure to help lessen both social stigma and the persistent arguments about unfair advantage that surround their participation. Under formal policies of inclusion, trans athletes can experience the advantages of competitive sport without the fear of being evicted from a team because of their gender identity. This is especially important for a population that experiences significantly higher rates of verbal and physical abuse, harassment, and feelings of isolation, and whose members are at an elevated risk for low self-esteem, engaging in life-threatening behaviors, and suicide.

Canada’s U Sports policy 80.80.2.2 of 2015 states: “Equality means that all persons enjoy the same status regardless of gender, race, language, disability, income or other diversities. It means that all persons have equal conditions for realizing their full right and potential and to benefit from the results.” As the awareness and empowerment of trans persons become more prevalent in society, it is not unreasonable to predict that the absence of an inclusion policy might well lead to allegations that U Sports is discriminating against trans student-athletes. Since 2012, the Canadian Collegiate Athletic Association (CCAA) has enforced a policy governing trans athlete participation at the college level. It dictates that trans female athletes are eligible to compete on women’s teams after diagnosis of gender dysphoria and consuming one year of testosterone-suppression drugs, which must be continued to maintain eligibility. Until this initial year of testosterone-suppression treatment is complete, the athlete is eligible to compete on men’s teams, but not on women’s teams. Trans male athletes are eligible to compete on men’s teams if they are being treated with testosterone for gender identity disorder or gender dysphoria by a healthcare professional. Athletes meeting these criteria
are no longer eligible to compete in the women’s category. Further, any trans student-athlete not undergoing hormone treatment is eligible to compete under their gender category assigned at birth.\textsuperscript{41} This brief example of the differences between university and college trans athlete eligibility policies highlights the disconnection between sports organizations—even those serving relatively similarly populations. While some organizations have spearheaded inclusive policies, other sports organizations lag behind.

**Conclusion**

Trans issues have emerged as a pressing area of inequity at the beginning of the 21st century. Today, policy inconsistencies across Canadian sport remain and are a cause for concern. For sport to be inclusive, it is necessary to explicitly recognize and address issues of trans exclusion, harassment, and marginalization.

Studies conducted by mixed sociocultural teams of researchers are needed, based on best practices across the physiological, social, ethical, and legal fields of study. Trans sport eligibility policy development requires input from a wide array of experts to avoid reducing athletes’ experiences to medical matters or legal technicalities. Because “policymakers demand data to prove that there is a problem,”\textsuperscript{42} and “evidence really is an ethical issue,”\textsuperscript{43} the need for more research in this area is pressing. We have only scratched the surface in this commentary on the state of Canadian policy for trans athletes, but we have attempted to connect this issue to its historical roots in exclusion.

The parallels between the exclusionary practices of past amateur regulations and current fears about trans athletes’ participation in high-performance sport are striking. The rhetoric of both past proponents of amateurism and those today opposed to welcoming trans athletes in sport draw on arguments rooted in negating unfair advantages that athletes were perceived to have compared to their peers to even the playing field. A key problem affecting change within the sporting world is the heterosexist ideals reinforced through sport culture.\textsuperscript{44} For sports organizations to promote pathways toward inclusivity, they need to challenge the institutionalization of these problematic ideals within sport and sport administration.\textsuperscript{45} Many organizations have diversity management strategies, yet few extend explicitly to gender and sexual minorities.\textsuperscript{46} As Don Morrow has argued throughout his career, inclusive environments need to be created for social change to occur and prevail.

**Notes**

1. Cited in Don Morrow, “A Case Study in Amateur Conflict: The Athletic War in Canada, 1906–08,” *British Journal of Sports History* 3 (1986), 186; note that the earliest amateur definitions did not even bother to exclude females specifically, presumably because social and cultural constraints of the time already worked to that end.


3. For the remainder of this paper, we use the term *trans* in its most inclusive sense to refer to individuals who self-identify their gender as transgender, transsexual, two-spirit, nonbinary, gender nonconforming, gender queer, and so on.


7. For example, see the overview provided in CCES, *Sport in Transition: Making Sport in Canada More Responsible for Gender Inclusivity: The Report of a Conversation of Discovery, Clarification, and Implications among Experts* (Ottawa, ON: CCES, 2012).


9. CCES, *Sport in Transition*. The narrower term *transsexual* applies to individuals who are actively pursuing and participating in changing their physical appearance.


14. See, for example, Michaela C. Devries, *Do Transitioned Athletes Compete at an Advantage or Disadvantage as Compared with Physically Born Men and Women? A Review of the Scientific Literature* (Ottawa, ON: Canadian Association for the Advancement of Women in Sport and Physical Activity, 2008).


17. Ibid.

20. Ibid., 39.
21. See the documentary film 100% Woman, which chronicles Michelle Dumaresq’s experiences in high-performance sport. Karen Duthie, dir., 100% Woman (Artemis Dreams Production, 2006).
22. Following the CCA’s investigation and decision to recognize Dumaresq’s legal sex (i.e., female), she was cleared to continue competing in the women’s category. However, after she won her first professional downhill mountain biking race in 2002, some of her competitors began protesting her inclusion and eligibility, with some going so far as to cross their arms on the podium during the medal presentation in protest. See Wivi Anderson and Sigmund Loland, “Sport and the Obligation of Solidarity,” Sport, Ethics and Philosophy 9, no. 3 (2015): 249–256.
27. This conflict came down to a two-year disagreement between the Canadian Amateur Athletic Union (CAAU) and the Amateur Athletic Federation of Canada (AAFC) over amateur and professional athletes playing against each other or participating on the same team. See Morrow, “A Case Study in Amateur Conflict,” 186.
28. For example, the Montreal Pedestrian Club in 1873 insisted that an amateur was an individual who “has never competed in any open competition or for public money, or for admission money, or with professionals for a prize, public money or admission money, nor has ever at any period of his life taught or assisted in the pursuit of Athletic exercises as a means of livelihood or is a laborer or an Indian.” Ibid., 174 (emphasis in original). Indigenous Canadian athletes were barred from competition as a result of white organizers’ desire to control sport and who could play.
32. Ibid.
34. It is relevant to point out that in Canada education is governed by the provinces and territories, not federally, and thus differs across the nation.
35. The organization was known as Canadian Interuniversity Sport/Sport interuniversitaire canadien (CIS/SIC) prior to 2017.


41. Ibid.


46. Cunningham, “Bridging the Gap.”