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The Trans Issue

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SPORT AND SOCIETY FOR H-ARETE - THE TRANS ISSUE
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The first time that I remember the issue of gender and sport being raised was sometime in the 1960s when charges surfaced at the Olympics concerning the East German women's track and field team. Their success led some in the west, especially the Americans, to charge that some female athletes from East Germany and the Soviet Union were, in fact, males. For the most part, I dismissed these claims as the complaints of bad losers. Others treated the charges more seriously, and sex tests came to the European Games in 1966 and the Olympic Games in 1968.

In more recent times, the charge that a male was competing as a female was made after Caster Semenya won gold in the 800m at the World Championships in Berlin in 2009. One of the other competitors in the race claimed that she had been beaten by a man. The result was that Semenya was barred from competition for several months and made to undergo humiliating sex tests.

Female athletes have faced these sorts of charges time and time again. In 2011, the International Amateur Athletic Federation (IAAF) issued regulations on testosterone levels for female competitors. In 2015, the Court of Arbitration for Sport (CAS) overturned these regulations. The IAAF then rewrote its regulations requiring that all female athletes with differences in sexual development to lower their testosterone levels if they wished to compete in races from 400m to a mile. In its May 1 ruling, the CAS upheld the regulations for the 400m and 800m races, but not for the 1500m and mile races.

Near the heart of matter is the issue of the physiological differences between men and women, or in more direct terms, how to define male and female. The average person has a visual image by which they categorize the people they meet into one of those two categories. It seems self-evident. Some may refine that a bit by classifying people they meet as gay or lesbian. None of our daily categorizations are of any particular use in classifying athletes.

At the level of science, two things are seen by many people and organizations as most important, testes and testosterone levels. Indeed, the rulings around the track and field world focus heavily on testosterone levels as if that were the definitive differentiation. The problem with such a standard is that testes are present in men and some transgender and intersex women.'

These are sometimes referred to as "internal testes" or "hidden testes." As for testosterone levels, they have not been shown to have any causal role in athletic performance.

In the last few years, and particularly since the 2020 election, part of this discussion has refocused primarily on trans women competing in youth and high school sports. A number of groups originating in the conservative wing of American politics have made this a major issue in the American culture wars. It is also a subset of the culture wars surrounding LGBTQ rights.

Over the past several months, legislation has been introduced in approximately thirty states that requires those competing in sports to do so in the sex assigned to that person at birth. This would make it illegal for a trans woman to compete in sports as a woman. In most states the legislation is directed at interscholastic competition. The claim is that trans women will dominate cis-women in sports.

In most states, the state high school athletic associations already deal with this issue, and, in addition, there are only an infinitesimal number of trans athletes competing. There is also no evidence to indicate that trans women dominate in their sports. At the next level, there is no evidence that trans women have dominated at NCAA and Olympic events even though they are allowed to compete.

So, what is going on here? Why are state legislatures intent on passing laws to correct a problem that does not exist? It seems that organizations that have fought the fight over LGBTQ rights, same sex marriage, and bathroom bills, and lost, have moved on to trans issues as the next chapter in the culture wars. It also appears, at least in terms of the number of trans sports laws introduced in state legislatures, that they are having considerable success.

For its part, the NCAA has let it be known that it could pull NCAA championship events out of states that enact anti-trans legislation. This power was used in North Carolina after that state passed the bathroom laws. Some are concerned that the NCAA may not be willing to take strong action again, but that remains to be seen. What seems clear is that if it does, the NCAA could be limited in selecting its championship venues.

The real victims in all of this are young men and women who are heading into adolescence, a time when they are working out their identity. The last thing they need is a group of politicians singling them out and depriving them of the right to participate

in sport, and doing so without regard to consequences or reality. This is tantamount to the abuse of children.

For those who are dismayed by all of this and say that politics should be kept out of sports, or sports should stay out of politics, that train left the station long ago. In fact, that train never rolled.

On Sport and Society this is Dick Crepeau reminding you that you don't have to be a good sport to be a bad loser.

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