

Philosophy Q2: Do girls have a (moral) right to compete in sporting contests that exclude boys?

Introduction

As of June 2023, the Equality Federation in the United States had identified 72 bills that have been submitted across the country to prohibit transgender pupils (especially “biological boys” that identify with the female sex/gender) from participating in sports that correspond with their gender identity (*Transgender Exclusion in Sports*, 2023). On the other hand, in *Soule v. CIAC*, 2022, while the plaintiffs argued that allowing transgender girls, who are biologically recognized as boys, to compete in the girls’ category violated Title IX by disadvantaging cisgender female athletes, the court dismissed the claims as invalid (American Civil Liberties Union, 2024). This contradiction highlights the complex issues of sex/gender identity and inclusion in sporting contests: What are sporting contests for? Is there an unquestionable definition of girls/boys? Are sex/gender-based segregation in sports justified?

Before delving into my arguments, key terms shall be clarified. “Girls” encompasses two aspects: being female and being a child (Heidemann & Ferguson, 2009), with no clear consensus on whether “female” refers to sex assigned at birth or gender identity. Sporting contests can range from formal and meritocratic events like the Olympics to more casual, annual school competitions.

With these in mind, this essay argues that girls do not have a moral right to compete in sporting contests that exclude boys for the following reasons:

1. Unisex sporting contests bring about moral goods that sex/gender-based segregated sporting contests cannot offer and are hence morally justifiable.
2. The moral right for girls to voluntarily participate in sex/gender-based segregation competitions also does not exist, though they might be legally entitled to enjoy the benefits of voluntarily segregated sporting contests.
3. Ontologically speaking, “biological girls” as moral subjects do not necessarily exist, since the binary sex system (girls/boys) fails to capture the complexity of human sex as layered biological continuum.

1. Why unisex sports are morally sound

The advantages of unisex contests are pertinent to the characteristics of non-elite level competitions, which most youths would participate in. Contestant selection typically prioritizes participation over peak performance, and there are more teams where young athletes can be divided according to skill, experience, or body measures such as weight (Kaiserman, n.d.). Under these conditions, unisex sports are consequently more likely to foster sex or gender diversity in both training and competitions. This

diversity is advantageous from the normative perspective of Performer Theories of sports,ⁱ which “link sport to moral ideals of human development” (Loland, 2017, p. 12), as it promotes improvements in the following three ways:

- 1.1. For girls, unisex contest policy helps bridge the socially constructed performance gap between the sexes;
- 1.2. For all participants, it helps cultivate better gender values;
- 1.3. For sports, it helps spark a critical reevaluation and innovation of current sports.

1.1. Narrow constructed performance gaps

In a throwing experiment on kindergarten children, when girls throw, they're observed to have a feminine demeanor of not fully utilizing the body's lateral and spatial capabilities as boys do (Straus, 1952), and this pattern persists in other physical activities as well. The occurrence in such prepubescent phase, when the physicality difference between girls and boys is still minimal (Vealey & Chase, 2016), indicates girls' repressive movement is not a consequence of physiological growth but culturally nurtured. The overall patriarchal social structure identifies girls as the Other, making girls objectified and inhibited and their real body capacity underestimated (Young, 1980). Hence, sex/gender-based segregation perpetuates the mistaken belief that no woman can meet the challenge of sports (McDonagh et al., 2008), and it is a typical example of Goffman's institutional reflexivity: while the sex-specific exclusion of competitions is claimed to be a natural result of the differences between boys and girls, it is a mechanism for creating disparities (Müller, 2016).

This study corroborates the possibility that unisex sports can help girls challenge societal limitations placed on their athletic abilities and reach their full physical potential. For one thing, competing alongside boys who might have certain physical advantages can increase girls' competitive drive, pushing them to train harder and transcend their “limits”. Also, seeing certain girls who can rival boys in sporting contests helps break the stereotype that girls are born physically inferior to boys. Hence, it could inspire other girls to believe they can achieve similar feats and not to understate their athletic achievements for fear of being viewed as “masculine” (McDonagh et al., 2008). Without imposed sexist limitations, it is intriguing to envision the full potential of our next generation of female athletes.

1.2. Cultivate positive gender values

Secondly, unisex sports offer a valuable platform to cultivate positive gender values in the younger generation. A developmental paradigm views sport as a learning environment for children (Smoll, 2017), and children already proactively partake in gender socialization at a young age (Tobin et al., 2010). Unisex sports neither force non-cisgender groups to identify with a gender they disagree with nor emphasize the need to label and distinguish one another by their sexes. Moreover, seeing fellow female athletes excel in a unisex competition and learning to celebrate their

performance can be a powerful lesson in gender equality for boys: girls are not born physically inferior nor is it a shame to lose to a girl (Tännsjö, 2007). By fostering positive gender values as such, unisex sports policies can create a powerful link between sports and the moral development of young people (Loland, 2017).

1.3. Reevaluate and innovate current sport

The unique dynamic interaction in unisex competitions between girls and boys could spark innovative ways of playing against each other, potentially leading to the evolution of existing sports. For sporting associations, implementing unisex policies will necessitate reevaluating competition formats, rules, and even the very definition of certain sports. Is there an overemphasis on masculinity and aggressiveness across the majority of our sports (English, 2007; Tobin et al., 2010)?ⁱⁱ Should sports solely focus on showcasing excellence (Devine, 2022)? While the exact nature of these new sports or redefined meanings remains to be seen, the prospect of a paradigm shift in the world of sports is undeniably attainable.

Based on the three aforementioned reasons, this essay argues that unisex sporting contests are morally justified as they bring about more moral goods than other forms of sporting contests that involve segregation. Henceforth, girls do not have a moral right to compete in sporting settings where sex/gender-based segregation is imposed since such is morally unjustifiable as they conversely perpetuate constructed performance gaps, gender stereotypes, and problematic settings of current sports.

Some might object by arguing that implementing unisex policies in elite-level or highly selective sporting contests will lead to severe underrepresentation of girls. For instance, it is highly likely that no girl athlete would even qualify for the preliminary round of a world U17 unisex sprint race. This is detrimental to all girls' confidence and self-respect when there are so few female athletes because underrepresented group members intensely connect with one another's accomplishments and failures (English, 2007). Also, elite contests provide scarce benefits, such as scholarships and promotion opportunities in education. With severe underrepresentation, girls have less chance of obtaining these benefits in a unisex contest. As a result, many argue that girls, in addition to having the right to participate in unisex contests, also possess a moral right to compete in single-sex contests for girls if they choose to (Women's Sports Foundation, 2020). The next section will be devoted to refuting this moral right.

2. Voluntary segregation is not a moral desert

The moral right or privilege, for girls specifically, to participate in voluntarily segregated sporting competitions does not exist when examined from John Rawls' ideas of "the Difference Principle" and "Moral Desert". John Rawls' the Difference Principle reasons under which condition inequality could be permitted: only when

those social and economic inequalities work to the benefit of the least advantaged members of society, underscoring “the least advantaged group” (Rawls, 2020). Under this principle, Rawls recognizes that any morally arbitrary factors such as talents, educational backgrounds, or even personal efforts should not be involved when distributing or redistributing social resources.

Seen from this perspective, sex is not a determinative factor justifying exclusive segregation privilege for girls, as there are sources of inequality in sports beyond sex. Coaches do treat children of the two sexes differently, providing them with distinct opportunities to master new abilities and improve (McDonagh et al., 2008). But socioeconomic factors, like household income, also affect youths’ access to sports (Richard et al., 2023), and athletic performance is heavily segregated by social class (Goldsmith & Abel, 2022). Given that various factors other than sex exacerbate the inequality in sports too, it’s hard to conclude that it is girlhood alone that makes all the girl athletes the least well-off. As a consequence, granting girls the privilege of voluntary segregation might violate the Difference Principle.

To go one step further, it is vital to distinguish between legal entitlement and moral right (Sandel, 2009). The benefits of the rules often have nothing to do with ethics. There is even no need to dictate whether the contests are unisex or not, as long as the contests aren't held in violation of The Differential Principle. If some schools and organizations do host separated category contests for girls, for example, maybe girls are legally entitled to participate and enjoy associated scarce benefits such as scholarships, but morally, they do not have such rights to demand and access those contests and benefits, because no one deserves anything that is based on morally arbitrarily factors, including the female identity - there is no moral desert.

3. The nonexistence of “girls” as absolute moral subject

Zooming to the question again. Since moral right is different from legal entitlement, likewise, it is crucial to pay attention to the distinction between the legal terminology “girls” and “boys”, and them being moral subjects. For instance, the *Soule v. CIAC* case presupposes “girls”, “boys”, and “transgenders” existence as legal entities, but do they really exist as moral subjects? The field of biology presents evidence otherwise.

Specifically, the “girls/boys” binary sex system suffers from fallacy as the binary dichotomy could be a factitious construction. The diversity and breadth of human physical characteristics more closely resemble a matrix where individuals occupy distinct intersections. Thus, the “purity” of the two sexes and the biological distinctions between them are all ambiguous assertions that may reflect social bias (McDonagh et al., 2008). In fact, biological sex is not a determinative idea but inherently knotted of five layers: chromosomes, gonads, hormones, and internal and external genital morphology (Money et al., 1955). For instance, in the third layer, “male” hormones like testosterone and “female” hormones, such as estradiol, are

often secreted at different levels in the bodies of “men” and “women”. 4% of individuals might have incomplete gender symmetry in these five levels and their biological sex is actually in the ambiguous zone between two sexes (Fausto-Sterling, 1993). The gender verification methods of today's sports events from elite-level to smaller ones, nonetheless, fail to respect the above-mentioned layeredness and remain blind to the fact that the absolute moral subject of the so-called “girls” might not necessarily exist.

Objections could be raised to this argument. Sports organizations and scholars frequently use the terms “sex” and “gender” interchangeably (Martínková et al., 2022); Consequentially, “sex” here might also refer to athletes who psychologically identify as female. In response, there are more than two genders, especially now that people may define themselves. Due to this, gender, being a more subjective quality, is not immediately tied to the body or sports, making it less dependable as the threshold for categorization. Or, even if gender is a quality pertinent to athletic performance, it is mostly socially constructed, as argued.

Do girls have a moral right to participate in sporting contests that exclude boys? In argument 1&2, I’ve answered no, as girls are illustrated to neither have the moral right to be segregated nor the right to voluntarily segregate themselves. Now, considering the nonexistence of the absolute moral subject “girls” in argument 3, this essay reckons that the answer is still no.

Endnotes

ⁱ Three primary normative frameworks exist to elucidate the value of sport (Loland, 2017). The Performers Theories, which is adopted in this article, recognize sport as a domain where individuals may achieve personal growth and fulfillment by utilizing their talents and abilities through their effort. Moreover, it emphasizes the importance of providing equal opportunities for everyone to participate in sports, in alignment with most of the non-elite level competitions for children. Two other theories are Instrumentalism and Performance Theories, and they're less appropriate within the discussion of youth sports. Instrumentalism regards sports as a method to attain external objectives, such as social and political aims. It has the potential to make financial gains or uphold the well-being of the general population, which is henceforth less pertinent to the subjects of discussion, girls and boys. Performance Theories, alternatively, prioritize the pursuit of excellence, emphasizing the display and enhancement of performances. This could be questioned as a problem for current sports models for being too extreme as they strive for greatness at no cost. Some proponents of the Performance Theories even resort to the use of doping.

ⁱⁱ One example given by Tännsjö (2007) is tennis, which illustrates how current sports can be flawed and how to fix the problem. In contemporary tennis, the serve is exceedingly critical. For the player to make a good serve, they need to use a lot of physical strength. At the same time, a professional service tends to make the sport dull, as it diminishes the game's elegance. Because men and women are physiologically different, the strength required to make a good serve might disadvantage girls. Adding a rule that says a service isn't considered good until the recipient has actually returned it would be a simple way to solve this problem. The server is given a second chance after it has been safely returned. Once the server has been successfully returned, it is given a fresh chance. This innovation can therefore help eliminate the inequality in physiological differences between sexes.

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