

Commentary



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Transgender Women Athletes and Elite Sport: Misleading at best, intellectually dishonest at worst

Jon Pike

The Canadian Centre for Ethics in Sport (CCES) is an odd organization. On one hand, it is Canada's National Anti-Doping Organization, funded by Sport Canada. Its task is to ensure fair sport. On the other hand, it behaves more like a think tank or academic centre, going way beyond regulation to argue for a conception of sport that ensures unfair sport for women. It does this in a way that is both militantly ideological, and also rather odd. Its latest publication, titled *Transgender Women Athletes and Elite Sport: A Scientific Review* (CCES 2022a), is an example of this second activity.

In a hotly contested field, the report has a good claim to be one of the worst published papers on trans-inclusion in female sport.

I want first to highlight the oddness of the paper. It argues, simultaneously, for three inconsistent views. The first is that it is fair for transwomen to compete in female sport.¹ The second is to concede that it is not fair for transwomen to compete in female sport. The third is that we don't know whether it is fair for transwomen to compete in female sport. You don't need to be a professor of logic to see that this is a mess. I will take these in reverse order:

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First, the agnostic view. CCES think that more research is needed to see whether it's fair to include transwomen in female sport. I don't agree, but let's grant this view as espoused by Paul Melia, CCES president and CEO, in the report's accompanying media release: "we need more scientific data derived from methodologically sound research focused on trans women athletes to build a foundation of solid evidence and to ultimately guide policy recommendations" (CCES 2022b).

What ought to be the policy implication of this? Let's start with the existence of, and justification for, female sport since few people openly question that. So, the question is: should we include male bodies in female sport? The new information from the review is: "Hmm, we've looked at the literature and we don't know if it's fair." This underdetermined science ought, then, to determine the policy: "No, *not until we know it's fair.*"



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So even if the headline conclusion of this CCES paper is correct, it wholly undermines the CCES proposal of inclusion. That is because reasonable policy here should default in favour of fair sport. This would only be false if you held the view that separate women's sport – and the exclusion of male bodies – is somehow on shaky ethical foundations. Unless Paul Melia thinks that female sport is *already* somehow unfair and exclusive, he is *logically* committed to defaulting to unfair sport.

Perhaps CCES recognizes this, which is why they run the two other arguments. The second view is concessive. It is that trans-inclusion (of transwomen into female sport) is accepted as unfair. Just after the agnosticism, they say that regulators must "*balance* the value of fairness with inclusion" (CCES 2022a, 9, emphasis added). This means that fairness must be traded off against inclusion: that regulators should make sport *less* fair to make it *more* inclusive. So, on this argument, female athletes ought to suck up the unfairness (which does not apply to male sport) for the sake of being kind.

The third view – that trans-inclusion of male athletes into female sport is fair, after all – is a little more complicated. The CCES paper is divided into "biomedical" and "socio-cultural" approaches and the authors make a bold claim that this reflects two different "epistemologies"² or "conceptualizations" (CCES 2022a, 13) in a "social hierarchy of knowledge" (*Ibid.*, 6).

This approach appears to appeal to a Foucauldian "structures of knowledge" idea, the view that knowledge is a social construction, in opposition to a

view of truth and explanation as the correspondence between an independent reality and our understanding. Or perhaps it is supposed to resonate with a Wittgensteinian critique of “scientism” – the ideological presentation of science as having a master role in intellectual life.³ There is a lot of obfuscation along these lines in the paper that amounts to pseudo-profundity.

But what we get is a let-down. It is nothing more than the obvious point that socio-economic and other inequalities influence athletic performance. A “Key Sociocultural Finding” of the paper is that “Nutrition and time to train make a difference to athletic performance” (CCES 2022a, 6).

Well, gosh.

Whilst true, this has nothing to do with the inclusion of male-bodied athletes in female competition. It is true that transwomen face some disadvantages in their lives. It is not clear how those disadvantages are i) manifested in athletic performance, or ii) how they can be measured, or iii) if the regulation of competitive sport should be modified to take account of them. (My answers to each of these points: inconsistently, impossible in practice and in theory, and no.) Likewise, it is clear that people of colour worldwide suffer discrimination and racism, but it is not clear how this is manifested in athletic performance, or how this could be measured, nor is it clear how – if at all – the regulation of competitive sport should be modified.

However, the argument could be reconstructed in two ways: one is to say that the physiological effects of the social disadvantages faced by transwomen *match*, and therefore *cancel out*, their residual male advantages. Because of this, then, it turns out to be fair to include transwomen in female sport. This is the third view. Is it plausible?

Consider this consequence: in our paper published by the Macdonald-Laurier Institute (MLI), we point out that the different physiological advantages of males over females varied from sport to sport. So they were smaller in endurance sport – perhaps 11 percent in rowing, but bigger in explosive, upper body sport, such as 66 percent in powerlifting (Pike, Hilton and Howe 2021, 14). But, on the “cancelling out view,” the sociological disadvantages of transwomen would make it fair if they diminished performance by 11 percent for transwomen rowers but they would need to do so by 66 percent for transwomen power lifters. But this consequence is absurd.

The other view is to say that, because of the sociocultural disadvantages faced by transwomen, sports authorities should accede to the demand that they are included in female sport. On this line of argument, inclusion of transwomen in female sport is not fair, but it is an act of *solidarity* with them. This justification, though, must attend to the opposite claim: it rests on the acceptance that inclusion is not fair, so it amounts to an act of *hostility* towards female athletes. Many female athletes face sociocultural disadvantages too. We know that inclusion of transwomen in female sport also *excludes*: it drives female

athletes off podiums and out of competition (Devine 2021). We should ask, then, what do you have against female athletes? What have they done to merit being treated unfairly?

It is not clear which of the two options is taken by the report's authors, and they need to choose which of these two dead ends to go down.

CCES makes a fancy-sounding distinction (which goes nowhere) between two “epistemologies,” but they fail to make a distinction which would be very helpful – between descriptive and normative accounts. Descriptive accounts tell us how things are. Normative accounts tell us how things should be. To answer the question: “Is it fair for transwomen to compete in female sport?” we need both.

“*The existence of male advantage is what makes exclusively female competition fair.*”

Normative accounts are not plucked out of the air, but they do have to start somewhere. It's sensible to start from the position that, in sex-affected sport, fair equality of opportunity requires separate competition for women.

This is a normative axiom. We distinguish between equality of opportunity and *fair* equality of opportunity. Mixed sport gives equality of opportunity in that all have a *formally* equal opportunity to win. In a mixed 100 metre sprint, any women who ran 9.6 seconds would probably win. But the fact of male advantage means that no woman can run 9.6 seconds. In this world, with the bodies that we have, and with male physiological advantage in place, *fair* equality of opportunity requires separate female competition.

This is the settled view of international sporting organizations. We therefore do not present an argument against unisex sport in sex-affected disciplines but start from that basis. Note, then, that the existence of male advantage is what makes exclusively female competition fair. The normative axiom is explained by the existence of male advantage. It therefore follows that the critical *descriptive* or *scientific* question is: Is male advantage maintained after T suppression and cross-sex hormones. If it is maintained, then competition of transwomen in female sport is unfair. Recent studies, including studies by those who favour trans inclusion in female sport, clearly show that residual male advantage is maintained.⁴

So CCES has to try to undermine these studies, but here the paper is absurd to a degree that is comic. Most people with a rough knowledge here know that adult males have advantages in height, lung size, muscle density, and hand breadth. Of course, there are overlaps: not all men are taller than all

women, but overall there are a host of interrelated male physiological advantages, which we've itemized in our paper (Pike, Hilton and Howe, 2021) and which give the basis for separate female sport.

What do CCES say about these? That we should *ignore* – by “controlling” or “adjusting” or “accounting” for them. Here are three examples: “After differences in lung volume *are accounted for* there is no intrinsic sex difference in the ... response to exercise,” (CCES 2022, 21) “due to ease of gripping the testing device, grip strength is largely correlated *with hand size* and therefore height,” (*Ibid.*, 21) and “*When adjusting for height and fat-free mass*, relative differences in strength between cis men and cis women largely disappear” (*Ibid.*,15) (emphasis added).



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and higher fat free mass.*

Transwomen tend to be taller, have bigger hands, bigger lungs, and higher fat free mass. This is because of the process of androgenisation, which happens to everyone who goes through male puberty. But, yes, if you control and adjust for these male advantages, then they start to fade away. This CCES move then has rather a dizzying effect: “If you control for all sex differences, then you find that sex differences are not significant” is a true, but meaningless, claim for this policy debate: “If wishes were fishes, we’d all swim in riches,” as the nursery rhyme – truthfully – goes.

At a more practical level, the authors pass over in silence evidence that males outperform *body-size-matched* females by up to 30 percent in many sports. However, the CCES acknowledge as one of their key findings that even with adjustment for height and weight, transgender women retain physiological advantages over females, and thus they must resort to the argument that these retained advantages are *within range* of female metrics, an argument that applies to many males regardless of gender identity and which has not been considered a rationale for permitting those males into female sporting categories.

In doing so, the authors retreat to a Range argument or Range conception of fairness. This is the argument that it is fair for people within the female range on some selected metric to compete in female sport. It is vulnerable to the objection that women are not short males, light males, or slow males, and vice versa. The Range argument rests on a misunderstanding of fairness in sport. The same misunderstanding lies behind the repeated claim that it is wrong to compare transwomen with male athletes and that they should be compared with female athletes

The difference is between the two conceptions of fairness in play: the “Advantage” conception and the “Range” conception. It is the Advantage view that justifies our current categorization into male and female sport, and so justifies the existence of women’s sport. The Range view does not justify the existence of women’s sport: rather, it would prescribe a sports category defined on the basis of some metric or set of metrics as a substitute for women’s sport – for example, (unisex) tall sport and short sport. On the Advantage conception of fairness, what matters is male advantage, so the appropriate comparison is between transwomen and males to see whether there is retained male advantage – and clearly there is (Hilton and Lundberg 2020; Harper et al. 2021a).

On the Range view, what matters is whether transwomen are in the range of female athletes, so this prescribes that the appropriate comparison is with female athletes. This leads to the result that some transwomen metrics are within the female range. But the same objection applies: what matters is the removal of male advantage, not whether some males are (for example) shorter than some females. This conceptually muddles the argument for sex categories in sport.

And when this conceptual confusion, this wrong-end-of-the-stick grabbing and tomfoolery, is not enough to establish their pre-determined ideological conclusions, CCES simply misrepresents the literature. As if no-one can do the reading, they say that the evidence summarized in Harper et al. (2021b) “is highly suggestive that any potential *performance advantage is negated* through effective testosterone suppression” (CCES 2022a, 26, emphasis added). Compare this to what this source actually says: “the small decrease in strength in transwomen after 12–36 months of GAHT [gender-affirming hormone care] suggests that transwomen likely *retain a strength advantage* over cisgender women” (Harper et al. 2021b, 7, emphasis added).

Conclusion

It is necessary to speak plainly here. The CCES is sponsoring and publishing pseudo-science and intellectual dishonesty to the Canadian public, at the expense of the same Canadian public, up to and including misrepresentation of academic peer-reviewed research.

This report is frighteningly bad. There is so much more wrong with it than I have space to cover. In its gratuitous *ad hominem*s, it fails to meet minimal standards of intellectual debate. The report’s authors do not understand what it would take for inclusion of male-bodied transwomen to be fair, and present mutually inconsistent accounts. It misreads and mischaracterizes the history of sport. The literature review is partial, shoddy, and dishonest. It is sometimes wrong, but often doesn’t rise to the threshold of even being wrong.

Although I understand it was written by some postgraduate students, I don't hold them fundamentally responsible. Rather, I will repeat the attribution made by CCES and leave you to draw your own conclusions:

The literature review was completed by E-Alliance, under the supervision of Guylaine Demers, Professor at Laval University. It was led by Dr. Gretchen Kerr (University of Toronto) and Dr. Ann Pegoraro (University of Guelph). And it was published and commissioned by CCES, led by Paul Melia. (CCES 2022b)

About the author



Jon Pike is a philosopher specialising in the ethics and metaphysics of sport at the Open University UK. He writes and publishes on doping and anti-doping, what counts as cheating, and what he calls “writing the rules of sport around the body.” His background is in political philosophy, which he studied at Oxford and Glasgow Universities. He has advised, amongst others, the World Anti-Doping Agency, World Rugby, British Triathlon, and the Sports Councils Equality Group. Pike is the former Chair of the British Philosophy of Sport Association.

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Endnotes

- 1 In this piece, for the sake of clarity, I follow Martínková et al. (2022).
- 2 Epistemology standardly means “theory of knowledge.” The authors do not seem to mean that here, however.
- 3 As Ludwig Wittgenstein notes: “It isn’t absurd to believe that the age of science and technology is the beginning of the end for humanity; that the idea of great progress is a delusion, along with the idea that the truth will ultimately be known; that there is nothing good or desirable about scientific knowledge and that mankind, in seeking it, is falling into a trap. It is by no means obvious that that is not how things are” (Wittgenstein 1970, 56).
- 4 We have explained this all in our MLI paper. We remain perplexed as to the reason Profs. Demers, Kerr and Pegaro, the academics who have oversight of this paper, have so obviously missed the point, because we have been as clear as possible.

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