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Transsexual and Transgender Policies in Sport

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Abstract

This article examines developments in gender policies in sport in relation to recent changes in transsexual rights legislation and gender identity activism. The Gay Games has developed a gender identity policy about "men, women, transgender and intersex" athletes. In 2004, the International Olympic Committee (IOC) introduced the Stockholm Consensus on sex reassignment surgery to allow "transsexual" athletes to compete at the Olympics. These developments do not indicate an overall increase in the acceptance of gender variance in the world of sport; rather, there has been ongoing resistance to inclusive gender policies in mainstream sport organizations. I argue this resistance is based on anxieties about the instability of the male/female gender binary and the emergence of queer gender subjectivities within women's, gay, and mainstream sporting communities.

> Gender-based oppression is not only or primarily accomplished through the power of the state: police, courts and laws. It's also accomplished through peer pressure, shame, ridicule, and ostracism. To make it possible for people to transcend gender lines, we must not only change laws and policies, we need to change social attitudes and raise awareness of gender harassment (Wilchins, 2004, p. 153).

The Uneven History of Gender Policies in Sport

The ways in which sport policies conceptualize, and therefore regulate, gender has undergone significant changes. At the Olympic games, from 1968 until 2000, the IOC used sex testing to verify that athletes competing in women's events were "women." In the United States, Title IX was introduced in 1972 to increase opportunities for "women" in college sport. During the 1990s the Gay Games developed

a gender policy about "men, women, transgender and intersex" athletes. In 2004, the International Olympic Committee (IOC) introduced the Stockholm Consensus to allow "transsexual" athletes to compete at the Olympics. These gender policies have an uneven history and do not reflect a universal increase in acceptance of gender variance in the world of sport. There continues to be tremendous resistance to any changes to the normative gender binary in many different sporting communities including many women's sports, the Gay Games, and the Olympics. In this article I argue that this resistance indicates a pervasive anxiety about the instability of gender categories in various sporting contexts. Queer theorist Diana Fuss (1991) explains how an excluded outside is always needed in order to stabilize a sense of identity, since identity is relational, defined in relation to "another." This excluded outside, or absent presence, has the potential to reveal a radical instability within the self. A key point here is that the "other" is needed, is never fully outside, and that whatever marginalized position we advocate for will produce another excluded outside. Here I argue that a normalizing anxiety about gender variance in sport has caused ongoing problems in the pursuit of gender rights in women's sport, in gay sports, and at the Olympics. In this article I examine these underlying psychic anxieties that occur at the limits of binary gender categories "man" and "woman"; specifically, when gender categories in sport policies become less essentialist, less intelligible, and less amenable to policies of liberal inclusion. I argue that gender inclusive policies, because they attempt to be universal, are necessarily limiting due to the multiple ways of inhabiting gender categories and the contradictory interests of diverse gender minorities. Drawing on queer, postmodern ideas of generosity (Diprose, 2002) and vulnerability (Schildrick, 2002), I contend that this requires us to reflect on our capacity to live with gendered instability and think differently about our political responses to otherness.

The politics surrounding gender rights in sport is being shaped from multiple locations with conflicting histories and investments. Mainstream sport organizations are slowly responding to pressure from transgender activist groups starting with The Transsexual Menace who directly affected the 1994 Gay Games policies and, more recently, CHANGE, the Transgender Law Centre, and the online magazine TransHealth have influenced the policies of some mainstream sport organizations. High profile male to female (mtf) transsexual athletes such as tennis player Reneé Richards, golfer Mianne Baggar, cyclist Michele Dumaresq, and kickboxer Parinya Charoenphol have issued major challenges to who has access to professional and elite levels of women's sport. Within popular culture, films such as *Beautiful Boxer* and *Iron Ladies I & II* have brought narratives of Thai kathoeys (male to female transsexuals) in competitive volleyball and professional kickboxing to a mass, global audience. To date, there are extremely few high-profile cases of female to male (ftm) athletes in elite levels of men's sport, although anecdotal accounts are gradually starting to reveal the experiences of transsexual men in localized sporting contexts.

This New Gender Politics (Butler, 2004) is being forged in alliances between antihomophobia, antiracist, feminist, trans, and intersex activists.[1] One of the tensions such coalitions must confront is conflicting attachments to stable sex assignments and identity categories. Rather than trying to adjudicate the degrees of transphobia in policies that promise transsexual inclusion in sport, the task is to apprehend and be transformed by these conflicting gender assignments and policies. Butler (2004) proposes a political route to supercede queer theory's suspicion towards stable identity, that risks erasing the importance of stable sex embodiment for transsexual and intersexed subjects with a coalitional opposition "to the *unwanted legislation* of identity" (p.7). She argues that it doesn't follow that queer theory opposed all forms of stable gender assignment; rather it is opposed to universalizing sexuality and gender *through categorization*.

Within the United States national context, Title IX has the potential to protect and open new doors for certain groups of transsexual-identified people.

1 The term 'trans' is used by members of transgender communities and it also refers to an emergent area of scholarship referred to as "Trans Theory."

Undoubtedly, male-to-female transsexual athletes have greater access to high school and college sports as a result of the hard won protections of the Title IX non-discrimination policy. However, the same policy also carries the risk of being "unwanted legislation" for other gender ambiguous and intersex students who remain unintelligible within the gender categories protected under Title IX. In the international sporting arena, the IOC policy on sex reassignment serves a similar ambivalent process. Such is the nature of universalizing human rights discourses. So at the same time as pushing for inclusive transsexual policies, the excluded outside must be acknowledged and engaged.

This leads me to reflect upon Rosalyn Diprose's (2002) ethical call for "dominant bodies" in sporting contexts not merely to become aware of, but to be transformed by, gender differences. Poststructuralism, according to cultural theorist Margrit Schildrick (2002), grants the analytic tools to theorize instability and vulnerability whereas Gloria Anzaldúa's (1988) work also provides *entradas* into the borderlands where normalcy may be deconstructed. If we think of gender as an achievement (Schildrick, 2002) and as a "kind of doing, an incessant activity performed, in part, without one's knowing and without one's willing" (Butler, 2004, p. 1), developing inclusive gender policies and politics in sport becomes an ongoing project based on imaginary, mutable and yet deeply invested racialized gender categories.

While existing gender equity and non-discrimination policies may hold important lessons for sporting communities to learn, they are not to be found in analyzing what Katherine Jamieson (2005) critiques as a "liberated woman" narrative that "specifically refers to a utopian womanhood founded on the notion that the post-colonial is here, and that its best form is the athletic, slightly muscled, individually disciplined and (flexibly) white, female body" (p. 44).

Jamieson reveals how analyzing the extent to which gender equity discourses that rely on such "liberated women" not only erase the unequal structural consequences of race, social class, and sexuality but also install an essentialist notion of "liberated woman" into our collective imagination. For instance, despite tremendous increases in women's participation in U.S. college sport, female athletes of color continue to be underrepresented at a higher rate than white women which is, in turn, linked to the disproportionate representation of persons of color in lower socio-economic populations (Women's Sport Foundation, 2003). We also need to analyze how the "liberated woman" category has frequently resisted incorporating transsexual women, transgender, and intersex people. Alongside the critique initiated by Jamieson, this requires an analysis of psychic and discursive forces animating what Butler (2004) terms the New Gender Politics beyond the universalizing, neoliberal narratives of women's gains and men's losses in sport.

Transgender Rights in the U.S.

The history of gender activism in sport has, until recently, been largely disconnected from the very different histories of transsexual, queer, intersex, and transgender movements. To illustrate, the following section reviews the disparate histories of transgender social movements and transgender issues in sport within the U.S. context. Transgender activists were at the center of the 1969 Stonewall Riots in New York City which is often claimed as a pivotal moment in the emergence of the modern U.S. gay rights movement. When police raided the Stonewall bar for the second time in one week, the bar's patrons had had enough. Transgender activist Sylvia Rivera is often attributed with sparking a riot that lasted three days (Human Rights Campaign Foundation, 2005). Despite the pivotal role played by trans activists in the formation of early gay rights organizations immediately following Stonewall, there was significant backlash against transgender issues in gay, lesbian, and feminist movements during the 1970s. Rivera herself became greatly disillusioned with the desire of many early gay and lesbian activists to distance the gay movement from transvestites, drag queens, and other gender variant people (Scarpinato & Moore, 2002). Sport was also to play a pivotal, if temporary, role in U.S. transgender history at this time. In 1976 transsexual Reneé Richards applied to play in the women's tennis U.S. Open. The United States Tennis Association countered by requiring all women entrants to take a sex

chromosome test (Kennedy, 1976). Reneé Richards' went on to compete in the tournament after winning her legal battle in which a New York court ruled that the sex test was being used unfairly and violated Richards' human rights (*Richards v. U. S. Tennis Assn.*). This court decision was crucial in establishing legal recognition of transsexual people after sex reassignment surgery (SRS) although it did little to bring about widespread protection for trans-athletes in the wider sporting context (Brown, 1998). In fact, a decade later the United States Golf Association responded to increasing success of transsexual golfer Charlotte Ann Woods by adding the overtly transphobic eligibility requirement that "entries are open to amateurs who were female at birth" (Higdon, 1992, p. 56). Transsexual, transgender, and intersex activism became increasingly organized during the 1990's. The early 1990s saw the formation of the Intersex Society of North America, the Transsexual Menace, the Camp Trans protests outside Michigan Womyn's Music Festival and more recently GenderPAC (Wilchins, 2004).

In the United States there are varying degrees of legislation protecting people from gender-based discrimination and harassment at the federal, state and local levels. In education, U.S. Federal law protects transgender students under the Equal Protection Clause of the Constitution and Title IX. The Equal Protection Clause means that schools have a duty to protect transgender students from harassment on an equal basis with all other students. The Flores and Nabozny cases showed that school officials have an obligation to respond to harassment and discrimination based on sexual orientation (*Flores v. Morgan Hill Unified School District*; *Nabozny v. Podlesny*). In the Nabozny case, the court ruled that public schools, and school officials as individuals, may be financially liable if they fail to address homophobic abuse of a student by other students. In 2004, during the Flores case, the court again ruled that if a school knows anti-gay harassment is taking place, it is obligated to take meaningful steps to end it and to protect students. Moreover the settlement of the Flores case included a mandatory anti-homophobia training program for all administrators, staff, and students within the school district. The Transgender Law and Policy Institute contend that the same rationale would likely be applied if a school failed to protect a transgender student from harassment or discrimination. A transgender student must also be treated similarly to other students of the same gender identity. For instance, if a school imposes a dress code on a male-to-female transsexual that is different than the dress code that is applied to biological females, then the school is applying rules in a sex discriminatory way (*Doe v. Yunits*). Discrimination on the basis of gender non-conformity is one of the forms of prohibited conduct under Title IX. Hence if a boy is called girls' names because he is perceived to be effeminate, failure to take steps to stop that harassment may violate Title IX (*Miles v. New York University*). Thus, trans people excluded from collegiate and extracurricular athletics who decide to issue a legal challenge are likely to seek recourse under Title IX on the basis of sex discrimination (Pilgrim, Martin & Binder, 2002-2003). Revised Title IX Guidelines state that gender-based harassment is also a form of sex discrimination to which a school must respond (National Center for Lesbian Rights, 2004). These non-discrimination school policies demonstrate how transgender identity is being interpellated, or brought into existence, through policy discourses at the education system and state levels. As one reviewer of this manuscript insightfully noted, there is a constant negotiation of these *state-interpellated* genders by individual students whose *self-identified* gender identities may reflect, but also resist and resignify, the gender subject positions articulated in these policies.

At the state level, Florida, Louisiana, New York, and Texas have introduced Safe School Bills that address issues of gender identity. In Florida the safe schools bill was blocked; in Louisiana the bill was withdrawn after references to gender, gender identity, and sexual orientation were taken out; and the New York safe school bill died over disagreements over gender expression (Transgender Law and Policy Institute, 2003). Schools in California are required to protect students from discrimination and harassment on the basis of actual and perceived gender identity and the law defines "gender " very broadly: "as a person's actual sex or perceived sex and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person 's assigned sex at birth" (Transgender Law and Policy Institute, 2003, para 3).

At the level of school boards, the San Francisco Unified School District policy on transgender students includes a specific clause about sports and physical education class, which states that trans students cannot be denied physical education or forced to do it outside class time (Cho, Laub, Wall, & Joslin, 2004). This progressive policy states that students should (generally) be allowed to do sex-segregated classes according to their self-identified gender identity, so long as it is "exclusively and consistently asserted at school" (Transgender Law and Policy Institute, 2003); however participation in competitive athletics and contact sports are resolved on a case by case basis. This "case by case" caveat reveals the ongoing anxiety that non-mainstream gender identities produce when participation in school sports is at stake. Similar anxieties about diverse gender identities in school sports are also evident at the level of sport governing bodies.

The next section outlines how sport governing bodies tend to seek exemptions from gender inclusive legislation at the regional and federal levels. These legislative maneuvers indicate that sport is one of the cultural practices most apprehensive about changes in the categories "woman" and "man." Thus, Title IX has provided a legal mechanism to expand the category of "woman" to potentially include transsexual and gender variant women. It has undoubtedly provided more opportunities for ftm transsexuals to participate in U.S. collegiate sport (although still presumably in racialized and ethnicized ways). Yet this inclusion continues to construct mtf transsexual women as exceptional, as a sporting crisis, subject to case-by-case evaluation and shrouded in suspicion. Transsexual's entry into the intelligibility of sex within Title IX still requires application, and adjudication, and carries with it an immanent threat of repeal or expulsion from the category "woman." Trans inclusion still needs to be struggled for through the often expensive coalition of genderqueer subjectivities with legislative and advocacy systems.

Mainstream Sport Seeks Exemption from Transgender Rights

Mariah Burton Nelson (1994) stated that "the stronger women get, the more men love football." Nelson's slogan could now be reworked into "the stronger transgender rights get, the more sports seek legal exemptions." The greater the impact transsexual rights have on sport, the greater the anxiety for mainstream sport organizations. Intersex, transsexual, and genderqueer competitors threaten the "imagined bodies" (Gatens, 1996) that populate deep-seated cultural fantasies about competitive sport. Non-transsexual women have, on occasion, been vocal in opposing transsexuals' rights to compete. For example, Karen Pickering, a British Commonwealth freestyle champion, is reported to have said she would feel comfortable competing against a transsexual but only if it could be proved she didn't have an unfair advantage. I contend that normative and hierarchical cultural attachments to the binary structure of women's and men's competition intensifies the anxieties about non-binary gender or gender transition. This anxiety has often led sporting communities to segregate from, if not oppose, transgender people and politics. A group of women cyclists protested mtf Canadian mountain biker, Michele Dumaresq's inclusion in the women's national mountain biking championships.

Mainstream, competitive sport has repeatedly sought to be exempt from the legal recognition and protection of transgender and transsexual rights. In 2002 the European Court of Human Rights found the United Kingdom had breached the rights of two transsexual people to marry (*Goodwin v. The United Kingdom*). Under international law, the United Kingdom government was obliged to implement the court's decisions as soon as possible, which gave rise to a the Gender Recognition Act (United Kingdom Government, 2004) designed to protect transsexuals' civil rights. UK Sport immediately requested to be exempt from this Gender Recognition Act so that individual sporting organizations could ignore the intent of the legislation and continue to make their own decisions about whether transsexual people may compete. This exemption was granted and the far-reaching implications are evident in a government document designed to give guidance to sporting organizations when implementing the Gender Recognition Act (United Kingdom Government, 2005). Both competitive and recreational sport organizations are instructed that the legislation

does "*not* give transsexual people the automatic right to participate in competitive sport alongside other people of their acquired gender" (p. 5). 'Specifically, the policy document states that transsexual people may be restricted or prohibited in competing in "gender-affected sports" where "the physical strength, stamina, or physique of average persons of one gender would put them at a disadvantage to average persons of the other gender" (p. 7).

Sport is also exempt from the 1996 Transgender Bill in New South Wales according to the Australian Sports Commission (2005). These legal exemptions are justified by manifest discourses about the fairness of competition and the safety of "other" non-transsexual competitors. The rationale for sport to be exempt from transgender legislation relies heavily upon morphological and endocrinological discourses about an "unfair advantage." The unfair advantage thesis suggests that male to female transsexual athletes are likely to have muscular strength advantage since they "have been under the influence of hormones under their former gender during their puberty" (IOC, 2004). It is important to note that policy and scientific discourses rarely, if ever, refer to unfair situations created by female to male transsexual athletes competing in men's sports, indicating a belief in the superiority of hegemonic masculinity whether it be biologically and culturally ascribed. The United Kingdom Women's Sports Foundation (2002) countered concerns about mtf athletes' unfair advantage in sport by pointing out that people born with other genetic advantages for sport should similarly be prohibited. Helen Donohoe of the United Kingdom Women's Sports Foundation (2002) elucidates how the unfair advantage discourse relies on beliefs that male to female athletes who transition after puberty benefit from:

- Previous muscular development
- Higher testosterone levels
- Greater muscle to fat ratio
- Greater heart and lung capacity
- Tendency to greater aptitude in motor skills.

However, male-to-female transitioning involves massive doses of oestrogen therapy which decreases strength. Male-to-female Canadian cyclist Michelle Dumaresq reported that in response to female hormone therapy, she lost 20 pounds and has a blood testosterone level of two nanomoles per liter, which is well inside the range for an average woman (Pilgrim, Martin, & Binder, 2002-2003). Moreover, according to Donohoe, this unfair advantage discourse assumes:

- Anyone exposed to testosterone before puberty will be a good athlete
- All males are better athletes than all females
- Males will change gender in order to reap the benefits of women's sport that they are unable to achieve in men's sport.

Testosterone usage by ftm athletes does not necessarily produce the imagined, predictable gains in strength and athleticism. Female to male cyclist Kevin O'Malley reported that testosterone didn't change the shape of his body sufficiently, which he described as hourglass-shaped before transition, so he started weight lifting: "for me it was this awful, terrifying, out of control feeling...My body was out of whack" (Cascio, 2002, p. 4). Cascio also notes that Kevin also went through a bloating phase where he gained three to four inches around his waist.

The unfair advantage discourse can be countered on its own terms, using contradictory scientific findings and deconstructive biological approaches, exemplified in the work of Ann Fausto-Sterling (1992) and Myra Hird (2004). The underlying cultural investments in this discourse also need interrogating. Sheila Cavanagh and I have examined the psychic dynamics driving the unfair advantage discourse that surrounds male to female transsexual athletes. We argue that, while transsexual and Olympic bodies have different histories and unique experiences in the social and political realms, transsexual and Olympic bodies evoke anxiety about bodies that undergo transition, particularly changes in muscularity. In the Western, heteronormativity imaginary, such changes in muscularity provoke anxieties about bodily deterioration and, ultimately, mortality.

The unfair advantage discourse serves to preserve the cultural fantasy of binary gender categories and, therefore, the apparent logic of women's and men's sport by disavowing that gender identities are an ongoing, unstable achievements that are not always intelligible within stable, binary categories (Cavanagh & Sykes, in press).

The Gay Games

Rather than develop a policy about transsexual/transgender athletes, The Gay Games has struggled to develop an inclusive gender policy for "men, women, transgender and intersex" athletes (Chicago Games, 2005; The Gender Centre Inc., 2002) as a result of ongoing protests and pressure from trans activists. In 1994 Transsexual Menace protested the restrictive rules of the New York Gay Games, with banners that read "Gay Games to transgendered: DROP DEAD!!!" because they were being asked to prove they had undergone surgery or lived for two years with hormones in their gender of identity (Brown, 1998). The gender policy was altered slightly as a result. To participate in the 1998 Gay Games in Amsterdam, transgender participants had to document they were undergoing hormonal treatment and had their local or international (passport) documents changed. Female-to-male Loren Cameron withdrew from the bodybuilding competition in Amsterdam because he felt the requirement to document his gender was intrusive (Johnson, 1998, p. 5). Trans activist groups rightly pointed out how documentation perpetuated a stereotype that transsexual people are inherently untrustworthy and deceptive by suggesting that they are likely to deceive the organizers about their "true" gender (GenderPAC, 1998). Thus the Gay Games revealed suspicion and anxiety towards gender change and non-binary gender in athletes' lives. When it comes to sport, even gay sport, the anxiety about gender variation is fossilized due to ongoing psychic attachments to the binary gender structure of "women's and men's events" as the de facto structure for organizing competitions.

Nevertheless, the Gay Games have been one of the few organizations that has addressed racial and ethnic differences in transgender identities within their gender policy. Differences between indigenous, racialized, decolonial histories of gender variance and gender/sex subject positions are usually subsumed beneath the inevitable universalizing of rights and policy discourses. Policy discourses underpinned by nationalism, as in Title IX, or internationalism, as in the Stockholm Consensus swiftly erase any differential histories and constructions of transgender across and within national borders. In most transsexual rights discourses, transsexual people are considered as a "distinct" category of people who deserve fair treatment under the law. Yet because of such "nationalized gender," as transsexual theorist Vivienne Namaste (2000) points out, transsexuals are not citizens of the nation, but can only represent its crisis. Thus far, the Gay Games have been the only sporting organization to address this erasure within their gender policy. As a result of pressure from intersex and transsexual advocates, Gay Games Gender Policies have taken into account regional, racialized variations in gender identities of athletes. For the 2002 Sydney Gay Games for which 158 trans athletes from 28 countries registered, Suganthi Chandramohan reported that organizers attempted to make the transgender athlete policy inclusive for Indigenous people and people from the Asian and Pacific region who identified as transgender. This gender policy was rare in its recognition of ethno-local and indigenous traditional identities including Indigenous Australian Sistergirls, Indonesian Waria, Thai Kathoey, South Asian Hijra, and Samoan Faafafine (The Gender Centre Inc., 2002). In a postcolonial sporting context, it is crucial to recognize the need for differing political strategies and policies according to the racialized positioning of trans athletes. Katrina Roen (2001) notes how some gender liminal Maori people maintain cultural traditions by not identifying with a Westernized medical discourses about bodily transition while others pursue sex reassignment surgery. Thus, localized cultural and racial traditions mean that some transsexual athletes have no access to, or intention to seek, surgical or hormonal intervention (Lamas, 2002).

The Sydney Gay Games policy included athletes who were pre-operative and had not had their papers changed (Lamas, 2002). If an athlete's identity documents did not coincide with the athlete's self-identified gender, documentation was required to confirm the

athlete had received hormonal treatment and lived as the self-identified gender for two years prior. Documentation included legal proof such as a driver's license, bank accounts, personal letters, or testimonials. For example, testimony from indigenous community workers and organizations was "acceptable in relation to the Transgender/Sistergirl status of Australian Indigenous persons" (Gay Games Board, 2002). The Gay Games VII in Chicago also acknowledge "the difficulty involved in changing legal documents in some countries, the accreditation officials may exercise discretion when evaluating the adequacy of the type of documentation provided for proof an individual's gender" (Chicago Games, 2005). Despite the gender-inclusiveness and attention to regional differences, even the Gay Games continues to be invested in the need for a gender policy, continues to be driven by the assumption that gender needs to be policed through policy in order to maintain the fairness of sporting competition.

Exactly one decade after restrictive criteria of full sex reassignment surgery had been protested and rescinded at the 1994 Gay Games, the IOC adopted the same criteria. Objections put forward by the Transsexual Menace have been thoroughly excluded from discourses about transsexuality at the level of the Olympics. Even more disturbingly, the First World Outgames (which will take place in Montreal in addition to the Chicago Gay Games during 2006) just adopted the IOC's Stockholm Consensus (1st World Outgames, 2004). At best, this can be interpreted as a frightening amnesia about the previous history of trans politics within organized gay sport. It is certainly another instance of overt transphobia in the organization of a major sporting event at the level of gender policy. It is reversals such as this, even within progressive sport movements, that make it necessary to examine the cultural anxieties that underpin the intransigent transphobia in sport.

The Olympics and the Stockholm Consensus

This section details the context in which the IOC developed their policy about athletes who had undergone sex reassignment surgery, now widely referred to as the Stockholm Consensus. In light of rulings made by the European Court of Human Rights about transsexual rights in 2002, the IOC responded rapidly to consider it's own position. The IOC has long been preoccupied with regulating sex categories in sport, subjecting all female Olympic athletes to sex testing from 1968 to 1998. In 2000 the IOC succumbed to pressure from other international sport federations to suspend gender verification or "sex testing." Three decades of unsuccessfully attempting to develop a definitive test for female sex has given the IOC Medical Commission an intimate scientific knowledge about variations in chromosomal, hormonal, and morphological sex. This elaborate knowledge about sex produced an anxious realization about the myth of dimorphic sex in sport within the Medical Commission. Yet even after publicly conceding the impossibility of sex testing, Olympic scientists continued to use Foucaultian strategies of power/knowledge by becoming further enmeshed within an "incitement to discourse, the formation of special knowledges, [and] the strengthening of controls and resistances" (Foucault, 1978, p. 106) about sex. Medical experts within the Olympic movement, such as IOC Medical Commission Chair Arne Ljungqvist, were bizarrely aware of increased medico-surgical availability and sophistication of sex reassignment techniques and, importantly, increased international and national legislation with respect to sex reassignment (IOC, 2004). Olympic officials focused on athletes who had undergone sex reassignment in response to new and highly visible court rulings about transsexual civil rights.

There is little evidence that trans activists had any direct input into the Stockholm Consensus, whereas transgender advocates have significantly altered policies at different Gay Games. Feminist advocacy regarding transgender issues at the Olympic level appears to have been contradictory if not paradoxical. On one hand, women's sport delegates have either been oblivious to, or objected to, the presence of male-to-female trans athletes competing in women's events. Many European delegates at the IOC Third Women and Sport World Conference in Marrakech expressed little awareness about, or involvement in, transsexual issues in sport (Fasting, 2004). On the other hand, a small number of feminist advocates may have worked alongside or as trans activists to dispel transphobic myths about mtf

muscular and genetic advantage in women's sport, although again, there is little evidence to suggest that they have directly influenced deliberations about inclusive gender rights within the Olympic movement.

In May 2004 the IOC published the "Statement of the Stockholm Consensus on Sex Reassignment in Sport," which laid out recommendations to govern the participation of athletes who have undergone sex reassignment. In order to compete at the Olympics, transsexual competitors must now prove they have completed sex reassignment surgery (SRS), obtained legal recognition, and have had hormonal therapy for sufficient time to "minimize gender-related advantages in sports competitions" (IOC, 2004). The consensus also states that eligibility should start no sooner than two years after gonadectomy and a confidential case by case evaluation will occur.

The Stockholm Consensus uses the most conservative, medicalized criteria to determine access for transsexual athletes into Olympic competition and, in effect, continues to exclude many transgender and intersex competitors. In addition, due to the transnational reach of the IOC, the Stockholm Consensus yet again erases all local, economic, cultural, and racial differences in how transsexual athletes have access to sex reassignment surgeries or hormone usage. These differences are immensely and particularly significant when considering which transsexual individuals have economic and cultural access to full SRS. Consider the vastly differing circumstances in which tennis player Reneé Richards and the transsexual activist Sylvia Rivera, who instigated the Stonewall Riots, gained access to sex change surgery. As a white, upper-middle class woman with a medical degree, Reneé Richards had the cultural and economic recourses to play a sport before and after her transition and also to draw on a professional career to provide funds for surgeries and medical costs. The harsh realities of Sylvia Rivera's life were starkly different. Like many trans people of color in North America, Rivera was economically and culturally disenfranchised from mainstream U.S. culture, including sport and medical services. She left school at the age of 11, was homeless for periods of her life and, out of passion and necessity, was committed to trans, Latina/o, homeless and peace activism. The Stockholm Consensus does not even attempt to address how these economic differences, structured locally and globally through racialized and colonial legacies, affect which transsexual communities and athletes can meet the universalized, medicalized criteria.

The Stockholm Consensus is a transnational policy and is poised to become the template for all other international and many national sport governing bodies. Elizabeth Riley (2004), Coordinator of NSW Gender Centre, claimed the IOC's decision will bring into effect what trans communities have been campaigning for since sport was exempted from coverage under the transgender provisions of the NSW Anti-Discrimination Act in 1996. She anticipates it will increase the

> "opportunity for transsexual people to participate in sporting activities at the local level where the benefits will include improved fitness, social inclusion and enjoyment of one's chosen sport/s. Importantly, it will also bring about the gradual breaking down of those barriers, generated by prejudice and ignorance, that have effectively contributed to the marginalisation of our community both in the sporting context and beyond" (p.1).

As mentioned above, the First World Outgames (2004) to be held in 2006 in Montreal have directly adopted the Stockholm consensus. The gulf between transgender rights and gender policy in sport threatens to become wider yet again.

Ethical Responses to Gender Variance in Sport

My main argument is that localized sport contexts must seek to develop inclusive gender policies while acknowledging that gender minorities have multiple and sometimes contradictory investments in stabilizing or destabilizing sex and gender categories. Butler (2004) suggests we need a process of cultural translation which constantly rebuilds the notion of the human. This means subjecting our fundamental categories to critical scrutiny, to see when they hold up, need breaking down, or reach the limits of intelligibility. This does

not, she makes clear, require taking on or assimilating unfamiliar notions of humanness or gender into ourselves through some radical, oppositional incorporation. Rather, cultural "translation will compel each language to change in order to apprehend the other" (p. 38). This apprehension will occur at the limit of the familiar, mundane, the known. It will involve a loss, a disorientation, and a transformation. Yet it produces a moment "in which the human stands a chance of coming into being anew" (p. 39).

This is an ethical call for corporeal generosity. Feminist philosopher Rosalyn Diprose (2002) proposes that corporeal generosity, an openness to others, is critical to fostering sexual, cultural and stylistic difference. For Diprose, generosity is not the giving of a gift or the giving of one's possessions. Instead, she thinks of generosity as "the dispossession of oneself, the being-given to others that undercuts any self-contained ego, that undercuts self-possession" (p. 4). She looks towards generosity as a means of generating rather than closing off sexual, cultural, and stylistic differences. She called for "dominant bodies remaining open to alterity" (p. 172). She ponders what is a generous response to cultural difference that contests one's own culture. How community and social relations may be formed out of the "production and transformation of differences rather than on assumptions of commonness" (p. 13). Diprose lays down a gauntlet for a new gender politics in women's sport whereby "generosity is born not so much with the combining of bodies whose capacities and powers agree but with the possibility of those dominant bodies remaining open to and transformed by alterity" (p. 172). Diprose's view of social justice is to respond with openness to difference, at the level of corporeality, while not forgetting who has benefited from the forgotten gifts of the marginalized. This does mean guarding against assimilation into gender stability or another politically evacuated version of "liberated woman" that repeats the exclusions of our pasts.[2] I think there is a more fundamental, embodied, and unsettling generosity at stake.

Both the ethnicized gender policies of the Gay Games and the highly conservative universalism of the International Olympic Committee policy on Sex Reassignment Surgery need to be scrutinized for which gender categories and lived realities are excluded. Too frequently it is the voices outside sport that remind us of the logic of the boundary and the meagerness of identity rights inside sport. What is required in the future development of sport gender policies is an ethical vulnerability to border-dwellers and hybrid bodies (Anzaldúa, 1998; Schildrick, 2002) that can critically assess the inevitable limitations of women, men, transsexual, and intersexual rights in sporting structures and anti-discrimination policies. This requires a capacity to live with instability rather than break down in the face of transitions; to seek out the most expansive rather than familiar forms of gender/sex legislation in sport-if legislation is sought at all. ■

2 My thanks to Kerri Kauer pointing out that the term "generosity" risks implying just another form of assimilation of the "other" by those in normative, privileged positions.

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