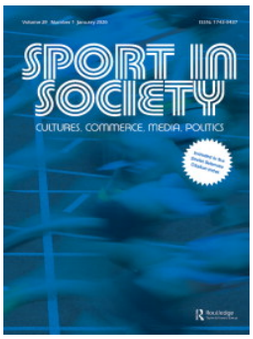

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Kutte Jönsson

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Constitutive outsiders in and of sports: the case of transgender athletes

Kutte Jönsson

Department of Sport Sciences, Faculty of Education and Society, Malmö University, Malmö, Sweden

ABSTRACT

The controversy about transgender athletes in sports does not seem to rest. Quite the contrary. The rhetoric suggests a conflict between those who advocate for inclusion and those who argue that allowing transgender athletes to compete is unfair and unsafe, particularly for women who would be 'forced' to compete against transgender women. One might argue that the issue of transgender athletes has become a weapon in a politically and ideologically instigated culture war. However, regardless of their position, scholars and others seem to agree that that transgender athletes are considered as outsiders in sports. Being subjected as outsiders may in fact have greater importance for how we understand gender classifications and gender ideology in sports than we first may think. In this paper, I will suggest that transgender athletes, as outsiders, constitute the gender boundaries when it comes to sports. Additionally, I will suggest that the issue is a matter of gender ideology and based on that one might claim that trying to exclude transgender athletes is not a way of protecting female athletes, as it is often claimed, but rather a way of protecting a specific gender ideology.

KEYWORDS

Transgender athletes; culture war; constitutive outsiders; morality

Introduction

During the campaign for the presidential seat in the International Olympic Committee in late 2024, one of the candidates, the British-Swedish businessman Johan Eliasch focused on the status of the women's sports. He expressed concerns. The concerns, however, did not regard a male dominated sports world, or the inequalities between men and women in sports. Rather, he was concerned about the relatively small number of transgender athletes who have become known in recent decades. Eliasch is not the only one expressing these concerns. In fact, the issue of transgender athletes has become a weapon in the ongoing culture war. One of the most obvious examples is when the US President Donald Trump signed an executive order banning transgender women from participating in sports (NBC News 2025). However, the US is not alone in banning transgender athletes. In fact, one might say that we are facing a backlash regarding transgender athletes. Apart from the US,

CONTACT Kutte Jönsson kutte.jonsson@mau.se

the UK has also decided to ban transgender athletes from sports, such as in football (BBC Sports 2025).

The controversy surrounding transgender athletes speaks to the contemporary political climate in general, but also about sports as such. Obviously, or so it seems, transgender athletes are considered as a threat to the binary coded sports culture as we know it. At its core, this is a highly political issue where concepts such as equality, fairness, safety, 'gender cheating' and (non-)discrimination comes into play.

Now, ever since the dawn of modern sports, we have known that sports are a phenomenon built upon the binary order of men and women. The most obvious example of this is that sports competitions are mostly organized in a men's sports and women's sports.

The reason for that is simple. Most would claim that it would be unfair to women if they were forced to compete against men in order to take part of sports. Consequently, if 'men' compete 'as women', it would be unfair to the 'real' women. There is a logic to that, difficult to escape.

In this paper, however, I will focus on one specific aspect, namely on how the mere existence of transgender athletes define the gender boundaries in modern sports. Differently put, I will argue that transgender athletes constitute what we can refer to as the *defining* outsiders when it comes to the gender issue in sports. This conceptualization of the relationships between gender categories has various implications.

Essentially, outsiders, such as transgender athletes, are often perceived as threats to female athletes and women's sports. To speak of this, though, we first need to establish the interrelated connection between an insider and outsider position. How do they relate to each other?

To begin with, to be an insider is dependent on the existence of outsiders. In this paper, I will suggest that insiders are those who in most aspects meet the demands that the culture has developed over time. For example, in sports culture, we usually think in binary ways in relation to gender. The binary way of organizing sports is usually seen as the most 'natural' way of organizing gender. The organization results from historic processes. For instance, when modern sports emerged, they were exclusively for men. When women slowly began participating in sports, there was a 'need' for gender-based classes – supposedly for the sake of 'equality', 'fairness' and 'safety'. Consequently, it is often said that maintaining binary boundaries protects women's sports, even if it means excluding transgender athletes, especially transwomen. However, it may be more of a protection of a certain gender ideology than a protection of women's sports. With that in mind, let us begin with some well-known examples.

'Gender cheating' in sports: some examples

The issue of transgender athletes, and their place in modern sports, become a matter of public interest from time to time. Before I elaborate more on that, we need to say something about the concept as such. What does transgender, or transgender athletes, really mean, in terms of categorization?

To begin with, there are many gender categories we may consider today, and it would be impossible, and not serve the purpose for this paper, to consider them all. Here, I will use the term transgender as it is often explained, meaning an umbrella term that cover people who do not identify as either man or woman, or individuals who have transcended the

gender boundaries. This means that the term includes people who consider themselves to be non-binary and genderfluid. But what does it mean in practice? Let us make it more concrete. Let us go back to a fairly recent example, the Summer Olympics in Paris in 2024, and the controversy that surrounded the boxing tournament for women.

This is the story:

> When the Italian boxer Angela Carini ended her match against Algerian boxer Imane Khelif just 46 seconds into the bout at the Paris Olympics, she simultaneously opened a wound in the Olympic ideal. The reason for giving up the match was trivial. Khelif had thrown a punch that completely threw Carini off balance. Although it was not a knockout, the punch scared Carini. The story could have ended there. It is not the first time a boxer has canceled a match due to fear. It happens. However, the match soon took on a completely different meaning. The following days discussions were not primarily about the art of boxing, but rather about gender politics. Above all, it was about Imane Khelif's gender. It was not the first time either. In connection with the World Boxing Championships in 2023, Khelif and Taiwanese boxer Lin Yu-ting (who had also participated in the Olympics) were banned from competing. According to gender tests carried out by the International Boxing Association (IBA), whose reliability and legitimacy were later questioned, chromosomal abnormalities were discovered in both boxers. The IBA concluded that they were too masculine to face female boxers. However, the International Olympic Committee (IOC) came to a different conclusion and defended Khelif and Yu-ting's right to compete. At a press conference, the IOC claimed that the IBA's decision the previous year was arbitrary and unjustified. However, this did not stop social media from boiling over. One critic of letting the boxers compete was writer J. K. Rowling, who saw misogyny in Khelif's participation and claimed to know that Khelif enjoyed 'abusing' Carini. Rowling was not alone in her criticism. Italy's national conservative Prime Minister, Giorgia Meloni, also felt compelled to make a statement. In an interview with La Gazzetta dello Sport, she said, 'I think athletes with male genetic characteristics should not compete against women' (NPR 2024; CNN Sports 2024). Even US President Donald Trump felt compelled to comment on the event when he 'screamed' on social media: 'I WILL KEEP MEN OUT OF WOMEN'S SPORTS!' (NPR 2024), a promise he has kept. However, others defended Khelif. For example, the Irish boxer Amy Broadhurst, who had previously defeated Khelif (NPR 2024). In fact, Khelif has lost more than once. The same can be said about Lin Yu-ting. Both have competed for many years without being considered 'dangerous' to others.

So, what is this really about? How much is it about 'threatened' sporting values? How much is it 'just' about politics?

One could argue that there are plenty of examples of female athletes suspected of crossing gender boundaries, which threatens the gender order, other athletes, and the sport itself. This issue has followed a particular pattern over time. For instance, during the Cold War, it was common for Eastern European athletes to be accused of 'sex cheating'. After the fall of the Berlin Wall in 1989, the focus shifted to Asian and African athletes. The most debated cases of the last decade involve athletes such as the South African middle-distance runner Caster Semenya (see, e.g. Camporesi and Hämäläinen 2021; Davis and Edwards 2014; Miller 2015; Schultz 2011; and Takemura 2020).

During the ten-year period from 2009 to 2019, Semenya's career was marred by protracted legal proceedings in which she fought for the right to compete. These proceedings began in connection with the 2009 World Athletics Championships in Berlin, where she had her breakthrough as an eighteen-year-old. At the time, she was a relatively unknown, young, masculine-built, Black runner. She was superior. Many suspected that she had used illegal performance-enhancing drugs, but tests showed no evidence of that. However, it was discovered that her testosterone levels were extremely high, too high for the sports

establishment to tolerate. To level the playing field, she was faced with the morally controversial choice of either medically weakening herself as a form of reverse doping or quitting. After years of struggle, she chose to quit. The sports establishment could breathe a sigh of relief –
one problem less.

Paradoxically, one might claim, the sports world needed Semenya. By construing her as an abject (Kristeva 1982; Jönsson 2024), that is as something repulsive or undesirable, the sports establishment was able to nurture the notion of a gender-ideologically purity in sports. However, those who have to pay for this ideology are the athletes who break the norms. Just like Khelif and Yu-ting, just like Semenya (among others).

The arguments for maintaining traditional norms are always the same. It is often said that female athletes who do not transcend the limited gender norms should not be exposed to the 'health risk' of competing against women who are too physically strong or being 'forced' to become too masculine in order to compete. Other arguments suggest that it is incompatible with the principle of fair competition to allow 'too strong' women to compete against 'normal' ones.

Of course, male athletes do not face the same discussions. They are always allowed to challenge and push the boundaries (as long as they do so within the acceptable limits of performance-enhancing drugs and methods). This has always been an integral part of sports development. For example, few questioned that US swimmer Michael Phelps had a body suspiciously perfect for swimming down to the smallest detail. With a lung capacity twice that of the average person, an unusually wide arm span, a long torso, a broad chest, and large feet, he dominated swimming for many years. He was called a 'freak of nature', but that was often said with admiration. In this regard, the gender difference between female and male outsiders becomes evident. Female athletic outsiders are considered something that many – not least some of the biggest sports organizations – want to exclude, whereas male athletic outsiders are welcomed and even admired.

The fact that male athletes are not as vulnerable as female athletes can be traced back to sports culture. Modern sports are founded on masculine ideals and norms, which has consequences, especially for female athletes. To some extent, this may be the core reason why female athletes are more controlled by sports organizations than male athletes. It may also explain why strong women are questioned about their gender. We have seen this throughout history. Consider, for example, the case of Stella Walsh.

Stella Walsh was a Polish-American sprinter and one of the greatest athletes of the 1930s. At the 1932 Los Angeles Olympics, she won the gold medal in the 100-meter race. She had a 'manly' physical appearance, but identified as a woman, and there was no hard evidence suggesting otherwise. Therefore, it would have been unfair to force her to compete against men. It is easy to imagine that those around her had their own thoughts about her gender identity. It was not until 1980 that the 'secret' was revealed. In 1980, Walsh was accidentally killed by robbers in a discount store parking lot in Cleveland. The autopsy revealed that she might have been androgynous. There have been many theories about Walsh's gender since then, but it is best to leave the speculation aside here. Nevertheless, Walsh's story highlights the important question of whether it was appropriate for her to compete with women. Was it a case of 'gender cheating', even? Probably not. The reason is simple. Cheating usually implies intentionality. There is no evidence that she tried to gain an unfair advantage during her athletic career. As far as we know, she identified as a woman.

Stella Walsh is one of many female athletes who have challenged the norms. During the same period, another top athlete, the American sprinter Helen Stephens, was also accused of gender cheating. At the 1936 Olympics in Berlin, Walsh and Stephens competed against each other, with Stephens winning. Afterwards, Walsh accused Stephens of being a male athlete.

Although there was no gender verification test available at the time, the IOC felt compelled to perform a sex test on Stephens anyway. The examination confirmed that Stephens had female external genitalia (Ritchie, Reynard, and Lewis 2008).

Time went on. Many years after the Walsh-Stephens 'debacle', other female athletes were suspected of being male, especially those from the Eastern Bloc, such as the Czechoslovakian (now Czech Republic) runner Jarmila Kratochvilova and the Polish sprinter Ewa Klobukowska. The same was true for many female athletes from the GDR and the Soviet Union. These examples have become the most famous. However, they are not the only ones targeted for gender cheating. More importantly, every female athlete may be at risk of being seen as male. In fact, there is an uncertainty that comes with the issue.

Gender and transgender

There are many reasons why the sports world is concerned about transgender issues. As mentioned earlier, one concern is fairness, another is safety. Both concerns are relevant. Many articles that address this issue often scrutinize these two aspects. Considering the internal difficulties of ensuring fairness and safety in sports, not to mention the difficulty of determining sex/gender, some argue for a handicap system that takes relevant genetic advantages into account instead of focusing on gender identity (see, e.g. Bianchi 2017). That is, of course, one way to go. In other words, one can take a practical approach to the issue. Nevertheless, this does not mean that we can escape the cultural aspects of the issue. This may also explain the heated debates. One reason may be the connection between physicality and sports. This means that the body has a special status in sports. Based on historic and ideological aspects, one could argue that the physical and bodily aspects established to define sports today have focused on muscular strength. In other words, masculinity has essentially been equated with muscularity. This has consequences for how we perceive the transgender issue as well.

Especially among feminist philosophers and gender theorists there have been an on-going discussion about how we should look upon the concept of gender and how the concept relates to the concept of *subjectivity*. I will not here discuss the many aspects one can put on the concept of gender, but only claim that it is a concept that is 'blurred at the edges', but it does not mean that the concept is 'meaningless or useless' (Moi 1999, p. 39). In other words, gender is a useful concept for navigating this world, even though some theorists have argued that it would be better to eliminate the concept altogether (Heinämaa 1997). Perhaps that is true. Perhaps the world would be a better place without the concept of gender.

As previously mentioned, the concept of gender has a special status in the world of sports. This means that the concept defines the foundation of sports competitions. The fact that most sports are divided into gender-based categories (for the sake of fairness and safety, as they say) means that sports reproduce the differences between genders and the assumptions associated with each category. As long as sports do that, we will not transition to a different gender concept.

So, where does transgenderism fit into this? That is another crucial issue. As mentioned earlier, one could argue that there is a connection between gender and subjectivity. Transgender athletes may identify as neither male nor female, but that does not mean they lack a gender. However, their gender may not fit into the current structure of most sports competitions. That is one way of putting it. Another way of putting it is that, even if they consider themselves to be a man or woman – as in the cases of Stella Walsh and Helen Stephens, who both considered themselves women, not men – there may be others who have different ideas about their gender. We saw this with Caster Semenya, for example. She was born female, and everyone who knew her growing up saw her as female. However, sports organizations had a different view. She did not fit the supposed appearance of a 'real woman'. Therefore, sports organizations subjected her to treatment to become a this 'real woman', even though they did not claim that she was 'a man'. So, what was she, according to the sports organizations? It is difficult to say. She became somewhat of an 'in-between'. This can actually be explained theoretically.

Here, one can take inspiration from Louis Althusser's theory of how subjects are being formed. In a famous passage, Althusser (2001, 118) writes:

> I shall…suggest that ideology "acts" or "functions" in such a way that it "recruits" subjects among the individuals (it recruits them all), or transforms the individuals into subjects (it transforms them all) by that very precise operation which I have called *interpellation* or hailing, and which can be imagined along the lines of the most commonplace everyday police (or other) hailing: "Hey, you there!" […]. Assuming that the theoretical scene I have imagined takes place in the street, the hailed individual will turn around. By this mere one-hundred-and-eighty degree physical conversion, he becomes a *subject*. Why? Because he has recognized that the hail was "really" addressed to him, and that it was *really him* who was hailed (and not someone else).

Applying this to the theme of this paper, one could say that Semenya, for example, was 'hailed' as an 'in-between' subject. Through the actions of sports organizations, she became a transgender subject, even though she identifies as a woman. The same principle and ideological pattern apply to other athletes as well. It is a way for sports organizations to exercise power over individuals. One could also argue that it exemplifies how individuals are always subordinated to specific ideologies, in this case, the ideologies that the largest sports organizations hold toward athletes. With that said, a paradox is embedded in this. Gender theorist Judith Butler has identified this paradox in her writing:

> The term "subjectivication" carries the paradox in itself: *assujetissement* denotes both the becoming of the subject and the process of subjection – one inhabits the figure of autonomy only by becoming subjected to a power, a subjection which implies a radical dependency. (Butler 1997, 83)

In other words, being a subject implies subordination to power – for example, sports organizations – but also constitutes the subject. There is nothing outside this power. This may also mean that the athletes addressed in this paper are trapped in the gender system. However, this is not the only implication. This analysis of how individuals become subjects, which is essentially a form of power analysis, also has moral implications. For example, athletes who are seen as outcasts are also the ones who define the boundaries between different gender categories. In short, the sports world needs transgender athletes to protect the dominant sports ideology. So, let us continue on that note.

Defining outsiders

Following Butler's argument, and in the light of the examples I have used in this paper, we may move on to a theory first established by Ernesto Laclau and Chantal Mouffe (2001). In their seminal 1985 work *Hegemony and Socialist Strategy*, they introduce the term *constitutive outside*. Essentially, 'constitutive outside' refers to the concepts and understandings of what is considered the outside. According to this view, insiders depend on the existence of outsiders. In other words, the insiders are constituted by the outsiders. This means that the existence of transgender athletes confirms and strengthens the gendered values founded in sports. I would argue that this is paradoxical yet important to acknowledge when studying how gender is produced and reproduced in sports. This pattern is evident in many ways. One example is the invasive ways in which sports organizations, both historically and in the present day, try to distinguish the 'real women' from the 'unnatural' women in sports contexts. The most common method is to turn to what the natural sciences, especially the medical sciences, can tell us about gender. The 'go-to' method is to use gender verification tests. However, these tests can serve as an example of scientific arrogance, both in themselves and in the way they are used.

Historically, one can see that sports organizations have used different methods to determine the gender of athletes. Sports theorist Jaime Schultz (2024) best explains this in a newspaper article following the Khelif debacle at the 2024 Paris Olympics, where she discusses the history of gender verification tests and their impact on women in sports.

As the story goes, it began in the 1940s when sport's governing bodies started requiring letters from physicians confirming that female athletes were indeed 'real' women. What these letters were supposed to prove is difficult to say. Perhaps they thought it was better than nothing. More importantly, it was likely a way for governing sports organizations to emphasize the importance of gender differences. One could also indirectly see this as a threat and a message to female athletes with masculine bodies: 'We see you!' Eventually, the tests became more 'advanced'. In the 1960s, gynecological examinations were conducted together with visual examinations, followed by chromosome tests. Today, however, the focus is on testosterone tests. Regardless of the method, the pattern remains the same. Sports organizations always consider the latest method to be the most reliable. Until an even more advanced method comes about, of course. On the other hand, it is far from obvious that the 'new' and 'advanced' tests will solve the problem, if we even consider it problematic. Or, as Jaime Schultz puts it in her essay: 'Yet every version of sex testing collapses under scrutiny. That's because most sports are organized according to a strict male-female binary. Nature isn't' (Schultz 2024).

Concluding remarks

It seems problematic to determine where to draw the line between genders when it comes to sporting bodies, even if it is often stated that it is not a problem. More solid than the natural differences between men and women is the socio-cultural differences. Differently put, the natural scientific perspective is also about ideology. This is something history has taught us. But it also means that transgender athletes play a significant role when it comes to the gender issue taken as a whole.

And when it comes to the issue of gender in sports, it seems that it is the transgender athletes who define the boundaries – as outsiders. And – as outsiders they are essentially unprotected. This is – in itself – a moral issue, albeit usually ignored by the governing bodies. Nonetheless:

> Excluding transgender athletes, especially transwomen, from sports is not a way to protect women's sports; it's a way to protect a specific gender ideology.

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