

Feature article

Caster Semenya, athlete classification, and fair equality of opportunity in sport

FREE

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Author affiliations +



Abstract

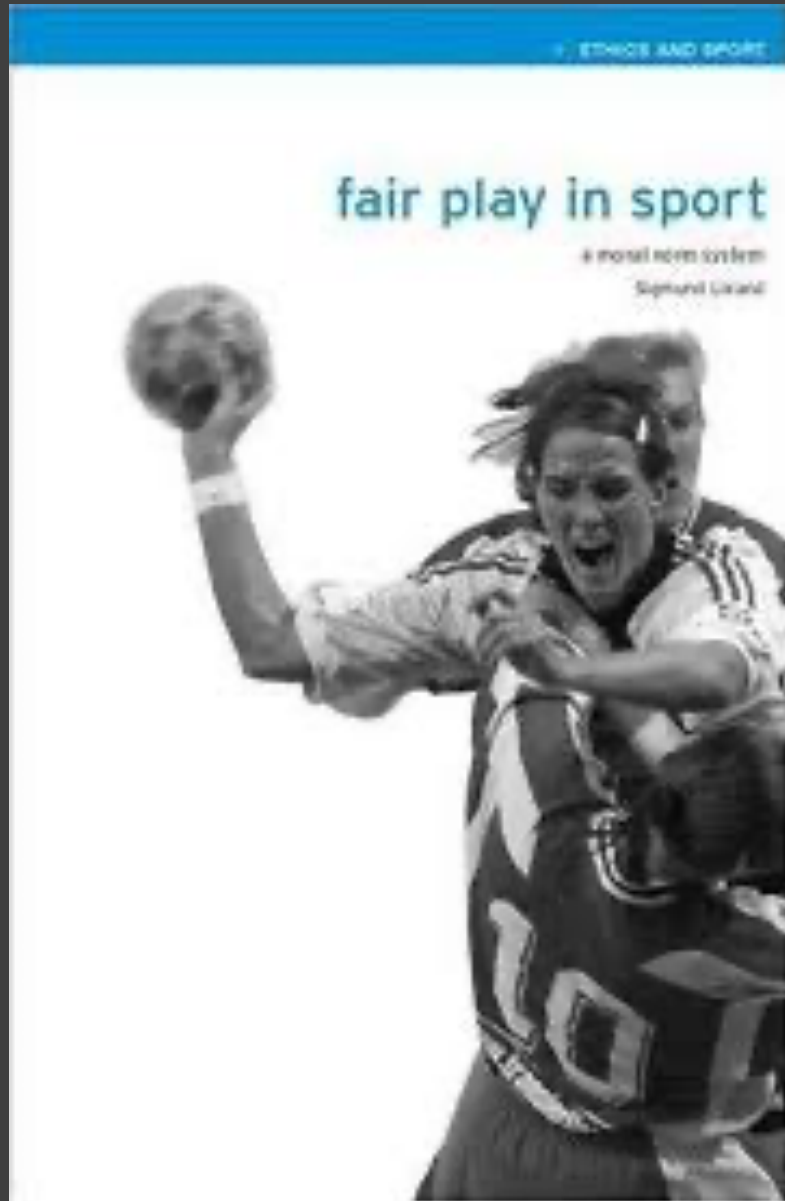
According to the Differences of Sex Development (DSD) Regulations of the International Association of Athletics Federations (IAAF), Caster Semenya and other athletes with heightened testosterone levels are considered non-eligible for middle distance running races in the women's class. Based on an analysis of fair equality of opportunity in sport, I take a critical look at the Semenya case and at IAAF's DSD Regulations. I distinguish between what I call stable and dynamic inequalities between athletes. Stable inequalities are those that athletes cannot impact or control in any significant way such as inequalities in biological sex, body size and chronological age. Dynamic inequalities, such as inequalities in strength, speed and endurance, or in technical and tactical skills, can be impacted and to a certain extent controlled by athletes. If stable inequalities exert significant and systematic impact on performance, they provide a rationale for classification. If high testosterone level is an inborn, strong and systemic driver of performance development, inequalities in such levels can provide a rationale for classification. As is emphasised by the Court of Arbitration for Sport (CAS), this leads to a dilemma of rights: the right of Semenya to compete in sport according to her legal sex and gender identity, and the right of other athletes within the average female testosterone range to compete under fair conditions. I conclude with providing conditional support of the CAS decision in the Semenya case and of IAAF's DSD Regulations.





Classification in sport: norms and their implications?

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- The normative structure of competitive sport
- Justice and fairness (contractualism)
- Play (utilitarianism)

Loland, S. 2002. *Fair Play in Sport. A Moral Norm System*. London: Routledge

Classification in
sport: *European
Journal of Sport
Sciences (2021)*

- Loland: Classification in sport
- Parry and Martinkova: Categorization of athletes and teams
- Camporesi and Hämelainen: The Semenya case and its implications
- Vanlandewyck: Classification in Paralympic sport
- Pitsiladis: Intersex and trans-sexual athletes



Skihopping sett fra nytt perspektiv. Foto: FOTO: ANDERS JACOBSEN

The rules?

- What kind of inequalities ought to be eliminated or compensated for?
- External conditions
- System strength
- Individual inequalities
 - Age
 - Sex
 - Body size
 - Ability/disability (IPC)

Fair equality of opportunity

N1: Fair equality of opportunity!

*N2: Eliminate or compensate for
inequalities in essential matters that
individuals can not influence or control
in any significant way and for which
they cannot be held responsible!*



Practical ethics (H(D)M)

n1: In sport, all competitors ought to be given fair equality of opportunity to perform!



n2: In sport S, inequality X ought to be eliminated or compensated for!



*n3: Classify!
Standardize!
Restrict access and use!*

N1: Fair equality of opportunity!

N2: Eliminate or compensate for inequalities in essential matters that individuals can not influence or control in any significant way and for which they cannot be held responsible

F: In sport S, inequality X exerts significant and systematic impact on performance and is outside of athlete control.

'Reflective equilibrium' (Rawls 1971)

Biological sex



Zhang Shan, Barcelona 1992

- Significant and systematic impact on the development of
 - Power (P)
 - Speed (S)
- *In sports in which P/S exert significant and systematic impact on performance: Sex classification!*
- *Other sports: No sex classification!*

	P/S exert systematic and significant impact	P/S exert limited impact	P/S exert little/no impact
weightlifting	c		
sprint running	c		
ski jumping		c/nc?	
archery			nc
shooting			nc

sex classification: c

no sex classification: nc

Body size



Naim Suleymanoglu

In some sports, body height/weight exert significant and systematic impact on performance.

Body size classification!



Yao Ming

	Body size exerts significant impact	Body size exerts limited impact	Body size exerts little/no impact
combat sports	Cw		
volleyball	Ch		
basketball	Ch		
E. handball		N/Ch?	
windsurfing	Cw		
sprint running			N

weight classification: Cw

height classification: Ch

no classification: N

Other inequalities
to be eliminated
or compensated
for?

- Muscle fiber type distribution?
- Cardio-respiratory capacity?
- Response to training?
- ...
- 'Stable' and 'dynamic' predispositions (Dworkin (2000): brute and option luck)
- DSD-athletes: testosterone levels as stable predispositions

Why?

IPC: Classification aims to minimize the impact of the impairment on athletes' performance so that the sporting excellence determines which athlete or team is ultimately victorious. Ensuring that athletes are classified prior to competing is crucial to safeguarding the integrity and credibility of the competition.

<https://www.paralympic.org/classification>

The meaning and value we find in sport comes from our sense of wonder at the natural talents displayed, and our admiration for the dedication required to bring those talents to their highest expression.

Murray, T. H. (2018). *Good Sport: Why Our Games Matter – and How Doping Undermines Them*. New York: Oxford University Press.

GAME CHANGER

THE TECHNO-
SCIENTIFIC
REVOLUTION
IN SPORTS

RAYVON FOUCHÉ



Current challenges

- The techno-scientific revolution in sport
- Oskar Pistorius: therapy versus enhancement
- DSD regulations and binary sex classification
- Fair equality of opportunity versus the right to take part

Concluding comments

- The ambiguity of competitive sport: a morally contested field
- Less binary sex classification, increase in body size classification
- Premise: fair equality of opportunity to *develop* performance
- Fine-tuned classification regimes - only elite sport



Photo: Pinterest

An emerging sport
paradigm: complexity and
style (aesthetic qualities):
less need for traditional
classification

Thank you!