
"Caster Semenya: The Conundrum of Sex, Gender and the Nature of Sport".

Eds. José Luis Pérez Triviño, Alberto Carrio y Francisco J. López Frías .

Caster Semenya is a South African double Olympic gold medalist and three-time world champion in track and field, in particular the 800 meters. Her participation in elite-level sport has raised controversy and spurred endless and heated debate on issues concerning eligibility in sport. Semenya is a woman with XY chromosomes with a difference of sexual development (DSD), commonly called “intersex conditions.” Doctors refer to this condition as “46, XY.” The participation of women with 46, XY DSD in sport is controversial because having a Y chromosome causes the production of higher levels of testosterone, the hormone that experts most directly connect to performance enhancement. Semenya’s sexual condition came under scrutiny during the 2009 World Track and Field Championships in Berlin when someone raised suspicion around her sex. In response to such suspicion, the International Association of Athletics Federations (IAAF, now World Athletics) required a sex verification test to determine if she could keep her medal. To justify this decision, the IAAF noted that a medical test conducted on Semenya before the World Championships had revealed that the athlete’s testosterone levels were higher than the norm for female athletes. After conducting an official investigation, the IAAF cleared Semenya to compete again in 2010. Eight years later, in 2018, the IAAF issued new regulations for women with DSD. Arguing that high testosterone levels provide female athletes an unfair advantage, the IAAF required these athletes to take testosterone-limiting drugs to be eligible. Semenya refused to do so and with the support of Athletics South Africa took the case to the Court of Arbitration for Sport (CAS). In 2019, CAS ruled against Semenya and established that she could not compete unless she took contraceptive medication to lower her naturally high testosterone levels. The main argument to which CAS resorted was that, although the IAAF DSD Regulations were discriminatory, such discrimination was necessary and reasonable to protect the integrity of female athletics. Semenya unsuccessfully launched an appeal to the Swiss Federal Supreme Court, as the Supreme Court determined that Semenya’s case was unfounded.

The articles in this special issue identify and critically analyze the ramifications of the Semenya case. In “Pragmatism, lex sportive and the fair play principle in sports law,” Camille Marie Croteau argues for the need to integrate different scholarly approaches to the Semenya case. According to Croteau, the literature on the matter is fractured, and scholars often fail to recognize

the overlapping character of their analyses and the problems they tackle. To examine the direction in which research on the Semenya case in particular and intersex athletes in general should go, Croteau adopts a pragmatist approach, that is, one that avoids “broad-sweeping descriptive approaches … to address … the heart of the issue” (p. 25). Combining insights from multiple academic disciplines—including sport philosophy, sport law, genetics, cultural studies, and bioethics—, the author identifies the following problems at the heart of the Semenya case: misunderstanding of fair play; failure to account for multifaceted biological states of being; imperialistic use of sport (and sport law); colonialization of sport by cultural, medical, and scientific accounts of normalcy; and confusion around the distinction between sex and gender.

Pam R. Sailors and Charlene Weaving in “Caster Semenya and the Cage Fight for Justice” analyze the prominent arguments put forward by both sides in the contentious and divisive dispute among Caster Semenya and International Association of Athletics Federation (IAAF). They embedded the debate in an account of a mixed martial arts (MMA) cage fight to address the ethical issues surrounding sex verification, the gender binary in sport, testosterone and performance enhancement, and human rights. The first round deals with the problem of sex segregation in sport and the social construction of women. The authors discuss the grounds of sex verification as a police to protect women and wonder if even the unjust a shameless history of sex verification it could be maintained as a useful tool to reveal unjust advantages. In the second round Sailors and Weaving delve deeper into the problem of the unfair advantage that, allegedly, have female athletes with high levels of testosterone. This lead them to examine more closely the debate around the scientific and ethical justification of IAAF regulations regarding female athletes with DSD. In the third round Human Rights and harm come into play. Ethical questions arising from sex verification, the lack of concern for Semenya’s privacy and the racism surrounding this case are analyzed in this final round and section of the article. At this time the referee separates the fighters and calls the fight a draw.

One of the issues raised by what we can call the “Semenya” case is that of hegemonic masculinity that prevents or hinders the recognition of other forms of gender identity in society, and more particularly, in sport. This is one of the main issues that Kyu Ha Choi, Jepkorir Rose Chepyator-Thomson and Becca Leopkey discuss in their article. Through a careful empirical examination of data collection in the media about the participation of female athletes in the Olympic Games since 1990, they try to find the central themes and main trends. In their opinion, although it is true that in recent years “sports institutions such as the International Olympic

Committee (IOC) and governments have made efforts to promote the growth of women's sports and their participation, but when it comes to media coverage of women's sports, there is a limited focus both in terms of quantity and quality". In this sense, its starting point is the one assumed by certain authors when pointing out that "sports institutions such as the International Olympic Committee (IOC) and governments have made efforts to promote the growth of women's sports and their participation, but when it comes to media coverage of women's sports, there is a limited focus both in terms of quantity and quality". This is exactly what they say here:

"althoug the quantitative increase of female athletes' participation in sports in general and to Olympic Games in particular, the media started reporting more on female athletes, the analysis on social media coverage of the 2016 Olympic Games demonstrated significant strides forward in terms of the quantity of coverage received by women in online spaces.. However, in terms of the portrayal (qualitative), most studies show that considerable gaps still exist between female and male athletes and their sports".

Thus, it is noteworthy that according to the studies analyzed "The findings of these studies are especially alarming because the perpetuation of stereotypes based on gender and cultural stereotypes about females from both cultures (the East and the West) make it twice as hard for Muslim/Asian female athletes to be recognized by the media for their outstanding achievements. As such, due to pervasive stereotypes in Western media (as well as their own), non-Western female athletes' achievements at the Olympics were less recognized.