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Separate but equals? A Philosophical Evaluation of mixed-sex football in England

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Abstract

The Football Association (FA) has imposed a ban on mixed-sex football beyond age 18 on the basis that (after age 18) males have an unfair advantage and females face an unacceptable risk of injury. In this paper, we critically evaluate the FA's rationale and conclude that restriction on the grounds of fairness or harm is unpersuasive. We also argue that there are compelling reasons to remove the limitation on individual female players having access to the highest (or preferred) level of competition. Finally, we present reasons for rejecting forced sex-integration and consider the potential consequences of the recent rule changes governing mixed-sex football in age groups U7-U18 in England.

Key Words: diversity, religión, politics, World Cup of Russia 2018

Resumen

La Asociación de Fútbol (FA) ha impuesto una prohibición al fútbol mixto a partir de los 18 años de edad sobre la base de que (después de los 18 años) los hombres tienen una ventaja injusta y las mujeres se enfrentan a un riesgo inaceptable de lesiones. En este trabajo, evaluamos críticamente la justificación de la FA y concluimos que la restricción por motivos de equidad o daño no es convincente. También argumentamos que existen razones de peso para eliminar la limitación de que las jugadoras individuales tengan acceso al nivel más alto (o preferido) de la competición. Por último, presentamos las razones para rechazar la integración sexual forzada y consideramos las posibles consecuencias de los recientes cambios en las reglas que rigen el fútbol mixto en los grupos de edad U7-U18 en Inglaterra.

Palabras Clave: diversidad, religión, política, Copa del Mundo de Rusia 2018

1. Introduction

In this essay, we evaluate the FA's rationale for its current prohibition of sex-integrated football ('mixed football' from now) beyond the age of 18. We conclude that this rationale is defective. We then argue that there are positive reasons to remove the prohibition. We acknowledge compelling grounds for resisting forced integration and remain neutral on the question of full integration in future.

2. Background

There is little doubt that women's football has continued to expand and evolve. The 2015 Women's World Cup in Canada was the biggest Women's football tournament to date, with 24 teams competing¹, landmark attendances and a global TV audience² (FIFA 2015). More recently, the Union of European Football Associations (UEFA) published a report on the progress of women's football, based on data from all 55 UEFA member associations (UEFA 2017)³. The report showed increases in the number of registered players, coaches and referees, and growth in media coverage and live TV audiences for major tournaments. In the UK, the Football Association (FA) has recently announced plans to double the number of female participants by 2020 (The FA, 2017). The FA Women's Super League (FAWSL) will have a fully professional and full-time top tier from season 2018-19. Alongside other moves and initiatives, these elements suggest that the FA now takes women's football seriously⁴. However, questions about the limited integration of the sexes remain.

Across Europe, the age at which mixed football is permitted varies significantly. UEFA's most recent survey shows that of their 55 associations, only three – Denmark, Lithuania and Norway – have no age restrictions (UEFA 2017). Until 2010, the cut-off age for mixed football in England was one of the lowest in Europe, prohibiting mixed football for children beyond age 11. This might be considered progress against the total prohibition on mixed

¹ https://resources.fifa.com/mm/document/footballdevelopment/technicalsupport/02/67/08/90/fwwc2015_report_web_neutral.pdf

² https://resources.fifa.com/mm/document/affederation/tv/02/74/59/85/fwwccanada2015tvaudiencereport_neutral.pdf

³ http://www.uefa.com/MultimediaFiles/Download/OfficialDocument/uefaorg/Women'sfootball/02/51/60/57/2516057_DOWNLOAD.pdf

⁴ Earlier this year, the FA revealed a new 'women's football strategy' – Gameplan for Growth – a three-year manifesto aimed at doubling the number of women and girls taking part in football by 2020 and strengthening the women's national squad. Interestingly, the document makes no mention of mixed football despite the recent rule changes which allow mixed football for players aged below 18 years in England. <http://www.thefa.com/news/2017/mar/13/fa-womens-football-strategy-gameplan-for-growth-double-participation-130317>

football practiced by the FA until 1991, when the limit of 11 was agreed. As Theman (2014, p. 8) puts it, however, the limit of 11 years yet meant “fewer opportunities for girls to develop as football players in critical formative years” in comparison with other European countries. Female players continued to appeal to be allowed to play in boys’ teams beyond age 11, often because of a lack of provision for girls to develop and sometimes because of a lack of provision to play at all (Williams 2003). Yet the FA remained resistant to further amendments, because of the supposed inherent biological differences between the sexes (Williams 2003).

In 2006, following a report from the Department for Culture, Media and Sport (DCMS) on the relative strength of the women’s game, the FA agreed to reconsider their rules on mixed competition. The report concluded that,

significant gaps in provision and pressures on limited coaching resources—a lack of appropriate team leaders and club administrators— was exacerbated by age group limits on the more able and enthusiastic girls who wanted to continue playing in male sides (Bell 2012, p. 357).

One of the report’s key recommendations was that the ban on mixed football over the age of 11 should be removed and that “an informed assessment by team managers and coaches of individuals’ capacity to play in mixed teams should govern selection policy” (Culture, Media and Sport Committee 2006, p. 8). In 2011, pressured by the case of Scottish teenager Alyshia Walker⁵, FA shareholders agreed to extend the age limit to 13, kick-starting a series of changes resulting in the current limit of 18.

The latest extension was announced in June 2015 when the FA agreed to allow mixed football up to the U18 category, but no further. The FA Handbook states that, “Players in a match must be of the same gender, save for matches in a playing season in the age groups Under 7 to Under 18 inclusive” (FA Handbook 2017-2018). Rachel Pavlou, the FA’s National

⁵ In 2011 Walker appealed unsuccessfully to the FA for dispensation to play in an Under 13 boys’ team in a national tournament to be held in England. Her team had won the Scottish Youth Cup and had therefore qualified for the Tesco Cup: UK Home International Final. The Scottish Football Association (SFA) permitted mixed-sex competition until age 15, whereas the English rule banned mixed football after age 11. She was denied the opportunity to compete because of the English policy. At the time, Walker was her team’s top goalscorer and captain.

Development Manager for Women's Football, supported the rule change on the grounds that girls would have more opportunities to play football and that playing against or with boys could provide a more challenging and demanding experience for talented female footballers. The decision was also welcomed⁶ by former England goalkeeper Rachel Brown-Finnis:

Mixed teams offer girls a choice in the environment that they want to play. They are of particular value for talented players in areas where girls' football is still emerging or played to a less competitive level. So, if they are going to be better tested in mixed football, then why not?⁷

Although the preceding changes expand the opportunities for mixed football, their rationale is often couched in terms of enhancing the quality and standard of women's football. While the FA has not yet published a policy document in defence of the recent rule changes, a recent policy change on transgender and transsexual individuals sheds light on the decision to prohibit mixed football over age 18. It states that:

The FA's policy is based on the fact that during the growth period, leading up to puberty, there is little difference in male and female strength development. Mixed football is allowed until the U16 age group and under 16s are entitled to play in boys' or girls' teams regardless of their natal sex. However, hormonal changes brought about by puberty may result in:

- a. safety issues, due to a general distinction between males and females in sport as a result of different muscle strength caused by testosterone; and
- b. fair play issues, due potentially to differences between the sexes, and the fact that oestrogen and testosterone, which is often taken as part of an individual's gender reassignment, can also have physical effects which may lead to competitive advantage.

The policy also states that "Football is a gender-affected sport of a competitive nature where the physical strength, stamina or physique of average persons of one sex could put them at a disadvantage compared to the average persons of the other sex as competitors in a football match" (The FA 2015, p.3)⁸.

3. Evaluation of the FA's rule

3.1 Fairness

⁶ <http://www.thefa.com/news/2015/may/21/more-to-benefit-from-mixed-football>

⁷ <http://www.thefa.com/news/2015/may/21/more-to-benefit-from-mixed-football>

⁸ <http://www.thefa.com/news/2014/Nov/25/fa-launches-transgender-policy>

The FA's mixed rule (past and present) violates the principle of non-discrimination enshrined in the 2010 Equality Act (previously the Sex Discrimination Act). The Act requires that: ... a person is to be treated by reference to his or her individual attributes and not by reference to the attributes possessed by or associated with an average person of his or her sex (Pannick 1983, p. 7). The principle was given compelling expression by J.S. Mill:

... it is felt to be an overstepping of the proper bounds of authority to fix beforehand, on some general presumption, that certain persons are not fit to do certain things. It is now thoroughly known and admitted that if some such presumptions exist, no such presumption is infallible. Even if it be well grounded in a majority of cases, which it is very likely not to be, there will be a minority of exceptional cases in which it does not hold: and in those it is both an injustice to the individuals, and a detriment to society, to place barriers in the way of their using their faculties for their own benefit and for that of others (Mill 1869, pp. 18–19).

Proponents of this approach argue that sex roles are objectionable because they impose irrelevant expectations and limitations on the individual. As Simon (2010, p. 116) explains, according to proponents of the sex-blind model of sex equality, “Sex roles are especially objectionable. Whether they arise from biological differences between men and women or from socialization and learning, they are imposed rather than chosen”. Although the SDA (and more recently the Equality Act) “was intended to foster gender equality” (Themen 2014, p. 8), the Act includes special provision in the case of so-called gender-affected sports. The clause states that:

A person does not contravene this Act, so far as relating to sex, only by doing anything in relation to the participation of another as a competitor in a gender-affected activity. (...) A gender-affected activity is a sport, game or other activity of a competitive nature in circumstances in which the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage compared to average persons of the other sex as competitors in events involving the activity (Equality Act 2010, S.195, pp. 122-123)⁹.

Michael Burke (2004, p.169) refers to this kind of sports exception as “the Anatomical Exclusion Clause (AEC)” and argues compellingly that the AEC wrongfully reinforces segregationist ideologies and practices.

⁹ www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf

The FA continues to apply the AEC (Anatomical Exclusion Clause) to exclude female footballers from competing with males beyond age 18, even in cases where a female footballer is competent to do so. The first point of dispute is the FA's claim that (post-puberty) fairness requires separate teams for women. This argument does not provide grounds for the FA's complete ban. As Buzuvis (2010, p. 38) points out, the argument that fairness necessitates the strict separation of men and women from competing is at once overinclusive and underinclusive. She explains:

It is overinclusive in that it applies even in situations where strict separation does not produce fairness. It is underinclusive because it ignores factors other than sex that are more likely to create an uneven field for competition. (Buzuvis 2010, p. 38)

The principle is overinclusive, since the plausible idea that men generally have an advantage over women in terms of their aerobic capacity, explosive and maximum strength and so forth is conflated with the idea that these differences are universal. Yet, as Radcliffe Richards (2006, p. 191) points out, "...even physical strength, the most commonly invoked differentiating characteristic, does not place all men on one side of some divide and all women on the other". There is significant overlap between the sexes in terms of these performance-related attributes. As Buzuvis (2010, p. 38) points out, "[o]wing to the wide variation of physical characteristics within sex categories, some of the athletes in the female group will be similar in size, shape, and musculature to those in the male group." A lot of female sports performers will be taller, heavier and have greater body mass than many male performers. Imposed segregation reinforces a gender binary, where a continuum exists. As Kane (1995, p.201) elucidates:

Although, given current conditions, it is certainly the case that most elite male athletes can beat most elite female athletes in sports that privilege men, it does not automatically follow that every elite male can outperform every elite female in these same sports. Yet this is precisely what we are trained to believe because it is one of the cornerstones of the oppositional binary.

Kane (1995), furthermore, suggests that sex-integrated sport has the transformative potential to challenge this binary thinking by recognizing 'sport as a continuum of competence along which some women outperform or are athletically equal to some men' (cited in Sailors 2014a, p. 72) (our emphasis).

The principle is underinclusive, since sex segregation fails to consider numerous other factors likely to create an uneven playing field. As Loland (2002) has argued, in addition to the significant overlap between the sexes, there is significant variation within each sex. Loland (2002, p. 54) has pointed out, for example, that elite football players vary in height between roughly 160 and 210 centimetres. Inequalities in body size are relevant to the athletic test in football. Differences between players' height, strength and stamina are part of what makes the game interesting. Part of the challenge facing a team whose opponents have a 6' 6" striker is to decide the best way to counter their aerial advantage, itself limited by the fact that a player of average or even small stature might be one of the best headers on the field if they possess excellent timing or the ability to 'hang in the air'¹⁰. This applies in men's football and women's football no less than it would apply in mixed football. Contrariwise, body size is not of singular importance in football, demonstrated by the success of male players such as Moralez, Gomes, Messi, Maradona, Gordon Strachan, Shaun Wright-Philips and Jermaine Defoe. Since most of the game is played on the ground, smaller players of agility, control, touch, awareness or speed can excel. It is instructive, indeed, to reflect upon the most iconic of footballers. As Giulianotti (2005, p. 99) puts it,

They are the 'artists' who (like Maradona) are often small and seemingly vulnerable in stature. In football, Maradona is joined by other technical talents like Zico (Brazil), Baggio (Italy), Platini (France) and Best (Northern Ireland) ... Through sporting dramas, these brilliant players outwit and deceive tougher opponents; physical power and aggression are disarmed, becoming handicaps rather than pre-conditions of successful masculinity in play.

3.2 Harm

The second, related point of dispute is the FA's claim that (post-puberty) the strict separation of the sexes is necessary to create safe competition. In addition to the arguments made above, this justification for a ban on mixed-sex competition seems inconsistent with the FA's policy on age classification. The FA has a dispensation policy which allows a child to "play up" in an age group other than their own chronological age group" (FA Handbook 2017-2018, p. 115). The rules also state that: "To play in an open competition a child must have attained the age of 16" (FA Handbook 2017-2018, p. 116). It is unclear why the FA

¹⁰ Examples arguably include Gerd Muller, Denis Law and Henrik Larsson.

ignores the physical risks which result from physically mismatched male players (Burke 2010). As Williams (2003) notes, an audit of injury in men's professional football is unlikely to lead to the separation of smaller, lighter players from competing with their taller, heavier counterparts (Williams 2003). The decision to enforce a ban which prevents women from competing with men because of an increased risk to players is paternalistic. As Schneider (2000, p. 126) concludes:

...women have the right, just as men do, to decide what risks of harm they will run. Subject to the normal limitations on every person's freedom, it is immorally paternalistic to decide, on behalf of a competent adult, what personal risks he or she can choose to accept.

If the preceding argument is sound, then the FA's grounds for prohibiting mixed football beyond 18 are unsound. Is there a substantial argument for lifting the ban?

3.3 A case for lifting the ban

The case for lifting the ban is prefigured in what has already been said. We saw Mill lament the 'exceptional' cases in which artificial barriers to action result in injustice to individuals and detriment to society. Mill's observations echo Aristotle (1947, 1282b 15–1283a 5), centuries earlier:

For if there were a superior flute-player who was far inferior in birth and beauty, although either of these may be a greater good than the art of flute-playing, and may excel flute-playing in a greater ratio than he excels the others in his art, still he ought to have the best flutes given to him, unless the advantages of wealth and birth contribute to excellence in flute-playing, which they do not.

Sailors (2014b, pp. 296-7) observes that, transferred to sport, Aristotle would similarly disapprove of race, class or sex being the 'criteria upon which athletic inequalities rest. Just as the most talented flute player should receive the best instrument, the most talented athletes should receive the best equipment and training, and have access to the best facilities, since their race, sex and socio-economic class are not directly relevant to athletic ability'. It seems, again, a natural application of Aristotle and Mill's insights to say that, sex being irrelevant to football ability, anyone of any sex (or race, class, sexual orientation, etc.) should be able to test themselves at a level commensurate with their ability, regardless of the sex (or race, class,

sexual orientation, etc.) of those they would be playing with or against. Simon, Torres and Hager (2015, p. 135) similarly, suggest that,

... determinations regarding whether distinctions based on gender are unjustified should be settled on a case-by-case basis. Thus, if particular women athletes wish to compete against men and are qualified to do so, they should not be prohibited from doing so simply bases on generalizations that most women would not be competitive in such situations.

In the case of female footballers aged 18 and over, the opportunity to be on the same field as males removes injustice to female footballers, and as Mill would likely have seen, benefits females in general and society in general, even if those benefits might have (like many social benefits) an incremental and sometimes subtle character.

4. The future of women's football in England

The preceding argument should not be taken as a call for the end of sex-segregated football in England. It might be reasonably argued that continuing to develop the women's game might be the most effective way of ensuring that girls and women have opportunities, or at least worthwhile opportunities, to play football. Women still suffer material and symbolic inequality, which has significant material consequences in terms of their participation and performance in sport. As Travers (2008, p. 92) puts it, "Eradicating single-sex sporting spaces for girls and women without a prior cultural overhaul would ... discourage their participation". Sailors (2016, pp. 79-80), moreover, paints an austere picture – darkened by 'subtle discrimination and hidden barriers', moderated male effort, stereotypical interpretations, misogyny and an ideology of female inferiority - of how sex-integrated sport has tended to turn out. She concludes that 'until deeper societal changes in gender attitudes and relations occur, sex segregation must persist in order to guarantee opportunities for females to reap the benefits of sport'. At the same time, she (Sailors 2016, p. 81) gestures at a vision of fully integrated sport, continuous with her (Sailors 2014b) hospitality to Aristotle's principle (echoed by Mill) that those who are relevantly equal should be treated equally.

The FA's policy on mixed football discriminates against individual female players, prohibited from playing on grounds "not related to their athletic qualifications" (Simon, Torres and Hager 2015, p. 135) and ought therefore to be abandoned. However, the recent rule changes governing mixed-sex football in age groups U7 to U18 might help to bring about

cultural and material changes. (These changes needn't be framed a priori as leading to fully integrated football.) In England, for example, the FA has introduced a new 'Girls' England Talent Pathway' (The FA) to identify and nurture talented players who will represent England not only at age group level, but as full internationals. One of the most significant changes is that football clubs with regional talent status (Regional Talents Clubs), clubs that allow talented players access to the best training facilities and enhanced coaching, are now entering their U10 and U12 girls' teams to compete against boys' teams in their local leagues (McKevitt 2016). As McKevitt (2016) suggests, this restructuring marks a radical shift in the FA's approach to mixed-sex football. It remains to be seen what implications such changes have in terms of individual opportunities and player development, as well as any change to the perception of women's football.

5. Conclusion

In this essay we have critically evaluated the FA's rules governing mixed football. We have argued that the FA's ban on mixed football over 18 ought to be removed. The FA's rationale in terms of fairness and safety is unpersuasive. Furthermore, selection according to sex as opposed to merit denies female players access to the highest (or preferred) competitive opportunities available, violating Aristotle's principle that those who are relevantly equal should be treated equally. Burke (2010, p. 19) is right that imposed segregation in sport provides 'apparent justification for the hierarchy of gendered social assignments and positions in the contemporary sporting and social world.' This problem is particularly prominent in football, where there are still obvious differences in funding, resources and the status of women's football (Williams 2003, p. 130). According to Williams (2003, p. 130), the provision of separate women's teams is unlikely to 'foster rapid or fundamental shifts either to the place of women in sport or to the structures of football itself, precisely because the brightest and best cannot access the highest competitive opportunities available'. Nor is there any evidence that removal of the current ban would damage the women's game.

Furthermore, we have also argued that by denying male and female footballers the opportunity to compete against one another, the FA helps to 'suppress evidence of a sports continuum' (Kane 1995, p. 208). Providing opportunities for players such as Alyshia Walker

(see Endnote 5) to compete with males would demonstrate that there is an overlap between male and female performance and that some women can outperform most men. Paraphrasing Kane (1995, p. 213), it time for the FA to give up its mantra that the safety of female players and the fairness of competition mean that women cannot compete with or against men.

At the same time, we reject the idea that women's football should be forcibly ended and the game sex-integrated tout court. Persisting material, symbolic and ideological inequalities yield a compelling case for the maintenance of women's football. It might be that fully sex-integrated football (and sport) is the proper vision and it might be that it eventually happens, but our challenge to the current FA prohibition of mixed football beyond 18 years is independent of that.

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