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HETEROSEXUALITY AS A FACTOR IN THE LONG HISTORY OF WOMEN'S SPORTS

MARY ANNE CASE*

I INTRODUCTION

Too many accounts of the development of women's sports tend to posit their origin in the late nineteenth or even the twentieth century, as a belated, slowly developing, and sometimes vehemently resisted addendum to the development of sports for men. To begin a history of women's sports at such a late date has several important distorting effects. Most simply, it ignores both the much longer history of women's participation in many kinds of sports and the fact that the history of organized men's sports as presently conventionally understood itself does not date back appreciably farther than the last century and a half. If we look back beyond that point for men's sports, we should not fail to take note of the sporting women we also find in those earlier times. Were we to do this, we would see that the history of women's sports is more complicated than a progress narrative. Rather than seeing women being gradually admitted into more and more sports over time, we would have to acknowledge that a variety of sports—from wrestling and boxing to polo and baseball—were played by women and were seen as suitable for women over long history. Women's recent readmission to competition in some of these sports follows an intervening period of exclusion.

More significantly, to begin the history of women's sports in the nineteenth or early twentieth century is to begin it after what Thomas Laqueur has dubbed the "discovery of the sexes,"¹ in a time period in which men and women were seen, as both a descriptive and a normative matter, to be as different as possible from one another physiologically and psychologically. The view of sexual difference prevalent in the nineteenth century included, in ways relevant to their potential participation in sport, that men were and should be strong and active,

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1. THOMAS LAQUEUR, *MAKING SEX: BODY AND GENDER FROM THE GREEKS TO FREUD* 149 (1990) (arguing that before the eighteenth century, the sexes were seen as essentially alike, with the relationship of man to woman being that of greater to less, whereas thereafter the sexes were seen as fundamentally different from one another).

while women were and should be delicate and passive.² Thus, the modern history of sport is often seen to begin at precisely the time women were seen as least suited to participate in sports. For example, Pierre de Coubertin, founder of the modern Olympics, insisted, the “Olympic Games must be reserved for men [We] must continue to try, to put the following expression into practice: the solemn and periodic exaltation of male athleticism . . . with the applause of women as a reward.”³ Women’s participation as Olympic athletes, according to Coubertin, would be “impractical, uninteresting, ungainly, and, I do not hesitate to add, improper.”⁴

Coubertin structured Olympic competition along a multidimensional heterosexual matrix: First, the division of heterosexual labor is that men compete and women applaud them; second, women who do compete are not heterosexually desirable but instead are “uninteresting, ungainly;”⁵ finally, “[w]oman’s glory,” Coubertin said, “rightfully came through the number and quality of children she produced, and that where sports were concerned, her greatest accomplishment was to encourage her sons to excel rather than to seek records for herself.”⁶

Like Coubertin, this article also views the history of sports through a heterosexual matrix.⁷ It argues that from the dawn of time through the development of the modern Olympic movement, a culture’s openness to women’s participation in sports was tied to whether that participation was seen to have a heterosexual payoff. In ancient Greece and Africa as well as in medieval and early modern Europe, women’s sports often formed part of mating rituals, and a successful female competitor was seen as a desirable mate. In the nineteenth century, however, athletic and other sporting competition often was seen as doubly debilitating to a woman’s chances for heterosexual success: not only would sweating and the development of muscles make her unattractive, but

2. *See infra*, Part IV.

3. PIERRE DE COUBERTIN, THE WOMEN AT THE OLYMPIC GAMES (1912), in OLYMPISM: SELECTED WRITINGS 711, 713 (Norbert Müller ed., 2000). Although the language in text is most frequently quoted, Coubertin’s case against the participation of women in the Olympics also included discussion of many of the issues discussed in this symposium, including the question whether all sports should be open to women: “[W]ould separate events be held for the women, or would meets be held all together without distinction as to sex . . . ?” *Id.* at 711. Coubertin’s view was that “women cannot claim to outdo men in running, fencing, equestrian events, etc.” and therefore “[t]o bring the principle of the theoretical equality of the sexes into play here would be to indulge in a pointless demonstration” *Id.* at 713.

4. *Id.*

5. *Id.*

6. JULES BOYKOFF, POWER GAMES: A POLITICAL HISTORY OF THE OLYMPICS 17 (2016) (quoting Pierre de Coubertin).

7. The role of homosexuality in sport, from male homoeroticism in the ancient gymnasium to lesbianism as a perceived factor in attitudes to the development of modern women’s sports, has, of course, received far more scholarly and journalistic attention. My aim in this article is not to dispute its relevance so much as to provide a supplemental line of analysis. I will also refrain from discussing the role of pedophilia and ephebophilia in sports, despite recent criminal prosecutions such as that of Larry Nasser for sexual abuse of young girl gymnasts under his care as a physician and of Dennis Hastert for illegal payments to cover up the abuse of teenage boys under his care as a wrestling coach.

strenuous physical exercise was thought to risk physiologically compromising her reproductive capacity. Rather than seeing physical fitness as conducive to reproductive fitness, as had their ancestors, men like Coubertin saw the two as in tension with each other.

After considering the extent to which these competing views of women's athleticism in relation to heterosexuality influenced the development of women's sports, the article will conclude by observing the remnants of a heterosexual matrix in twenty-first century sports, from figure skating and synchronized swimming to gymnastics and crew.

Because I am not myself a scholar of the history of women's sports, I have had to rely on what secondary sources I have found available, ranging from volumes covering a wide sweep of sports and time periods, such as Allen Guttmann's *Women's Sports: A History*,⁸ to monographs detailing the participation of individual sportswomen in particular times and places, from women gladiators in ancient Rome⁹ to women boxers in eighteenth century England.¹⁰ The resulting article is in some sense more like a lawyer's brief than a conventional work of scholarship—I am using the historical evidence available to me to construct an argument, which stands or falls in part on the reliability of that evidence, for which I cannot vouch. But I am encouraged in making this argument by its resemblance to arguments I am far better qualified to make and to judge, arguments about the historical origins both of feminism (in the sense of claims for the equality of the sexes) and of women's participation in electoral politics.¹¹

Just as too many histories of women's sports begin in the late nineteenth century, too many histories of feminism begin the late eighteenth century, with Mary Wollstonecraft reacting to the French Revolution in writing her *Vindication of the Rights of Women* after having previously written a *Vindication of the Rights of Men*.¹² To start such a history so late—ignoring both the earlier theoretical contributions of writers like Christine de Pizan, Marie de Gournay, and François Poullain de la Barre,¹³ and the practical political power, including voting power,

8. See generally ALLEN GUTTMANN, *WOMEN'S SPORTS: A HISTORY* (1991).

9. See generally Kathleen Coleman, *Missio at Halicarnassus*, 100 *HARV. STUD. CLASSICAL PHILOLOGY* 487 (2000) (using the analysis of a second-century relief depicting women gladiators to explore the participation of women in Roman gladiatorial combat); Anna McCullough, *Female Gladiators in Imperial Rome: Literary Context and Historical Fact*, 101 *CLASSICAL WORLD* 197 (2008).

10. See generally Christopher Thrasher, *Disappearance: How Shifting Gendered Boundaries Motivated the Removal of Eighteenth Century Boxing Champion Elizabeth Wilkinson from Historical Memory*, 18 *PAST IMPERFECT* 53 (2012).

11. For an account of how women's political participation declined in the period leading up to the French and American Revolutions, see, for example, Mary Anne Case, *The Ladies? Forget About Them. A Feminist Perspective on the Limits of Originalism*, 29 *CONST. COMMENT.* 431, 436–38 (2014).

12. Cf. MARY WOLLSTONECRAFT, *A VINDICATION OF THE RIGHTS OF MEN, IN A LETTER TO THE RIGHT HONOURABLE EDMUND BURKE; OCCASIONED BY HIS REFLECTIONS ON THE REVOLUTION IN FRANCE* (2d ed. 1790); MARY WOLLSTONECRAFT, *A VINDICATION OF THE RIGHTS OF WOMAN, WITH STRICTURES ON POLITICAL AND MORAL SUBJECTS* (Sylvana Tomaselli ed., Cambridge Univ. Press 1995) (1792).

13. For further discussion, see generally Mary Anne Case, *From the Mirror of Reason to the Measure of Justice*, 5 *YALE J. L. & HUMAN.* 115 (1993).

women in France had held from the Middle Ages until the French Revolution—is to tell a false and distorted progress narrative, beginning at a nadir for women’s rights, and to make women’s rights unnecessarily derivative of the rights of men.¹⁴ This article contends that one cure for a similar distorted narrative about the progress of women’s sports is similarly to look for their beginnings earlier than is customarily done.

Had I a greater command of non-Western source material, I could begin my argument in China, where elite women, who in the nineteenth century had their feet bound as children such that as adults they could barely totter a few steps unassisted, played polo with and against men in the Tang Dynasty of the seventh century.¹⁵ The use of female athletic competition, predominantly foot racing or wrestling, but also at times boxing, archery, or riding, as a mating or fertility ritual spans the globe and the centuries. Women who triumphed over other women, as well as women who held their own in competition with men, were for that reason seen to be desirable marital partners. Sometimes it was precisely the victor of the athletic competition who won the marital prize. For example, “[a]mong the Diola of Gambia . . . adolescent boys and girls wrestled (but not against one another) and the male champion married the female champion.”¹⁶ Women wrestled men among the Yala of Nigeria and Njabi of the Congo and were observed boxing against each other by Cook during his voyage to the South Pacific in the eighteenth century.¹⁷ At other times the competition between the sexes formed part of a fertility rite, as with the tug of war, men against women, observed by twentieth-century anthropologists in New Guinea,¹⁸ or with the stickball games anthropologist Alyce Taylor Cheska observed played by Native American women in the Southwest.¹⁹

However strong evidence there might be elsewhere in the world, the remainder of this article will focus on Europe and the United States, in part because of the limitations of the sources readily available to me, and in part because the history of modern sports is generally told as a Western European and American story, leading from the ancient to the modern Olympics and beyond.

14. Cf. Joan Kelly-Gadol, *Did Women Have a Renaissance?*, in *BECOMING VISIBLE: WOMEN IN EUROPEAN HISTORY 175–97* (Renate Bridenthal et al. eds., 2d ed. 1987) (arguing that the move forward from the Middle Ages was not necessarily a step forward for women and their rights).

15. See, e.g., Horacio A. Laffaye, *Polo*, 2 *INTERNATIONAL ENCYCLOPEDIA OF WOMEN AND SPORT* 890 (2000) (“In [sixth century] Persia, as well as in China, women played polo”); Chris Ashton, *Tang Dynasty* [sic] *Polo*, *SPIRIT OF POLO PRESS* (Dec. 1, 2014), <http://www.spiritofpolo-press.com/tang-dynasty-polo/> [<https://perma.cc/QSZ4-X629>] (“Compared with earlier and, indeed, later dynasties, upper-class Tang Dynasty women enjoyed astonishing liberties, including hunting and polo with their menfolk, and like them, riding their horses astride.”).

16. GUTTMANN, *supra* note 8, at 8 (citing Sigrid Paul, *The Wrestling Tradition and its Social Function*, in *SPORT IN AFRICA* 24 (William J. Baker & S.A. Mangan eds., 1987); see also David Charles Rowe et al., *Sports*, *ENCYCLOPÆDIA BRITANNICA* (Mar. 10, 2017), <https://www.britannica.com/topic/sports> [<http://perma.cc/P3H5-PNZ5>] (same).

17. GUTTMANN, *supra* note 8, at 8.

18. *Id.*

19. *Id.*

II

THE ANCIENT WORLD

This article will therefore begin where Coubertin would have us begin, in ancient Olympia. Women were notoriously banned from competing, or even, if married, from observing the ancient Olympic Games, albeit with rare exceptions, such as Cyniska, daughter of King Archidamos of Sparta, the first woman to be listed as an Olympic victor when the four-horse chariot she owned won in two successive Olympiads in the fourth century B.C.²⁰ But, in ancient Olympia, girls did compete in the Heraean Games, honoring Zeus's wife just as the Olympic Games honored Zeus.²¹ The Heraean Games, also held every four years, and commemorating the marriage of Pelops and Hippodameia, arguably had a more ancient pedigree than the Olympic Games, which were said to commemorate the death of Pelops. As described by Pausanias in the second century A.D., they "consist[ed] of foot-races for maidens . . . [held in] the Olympic stadium . . . but the course of the stadium [was] shortened for them by about one-sixth of its length."²² The distance run was likely meant to be the same number of paces (200) for both the males and the females, taking into account that a female's stride was likely to be shorter, and bearing the same ratio to the men's race as the measurements of the temple of Hera did to the temple of Zeus.²³ The maidens were divided into racing cohorts by age. The games were administered by a group known as the Sixteen Women, who traced their history to women selected as peacemakers from each of the sixteen cities of Elis, each "to be the oldest, the most noble, and the most esteemed of all the women."²⁴ The fact that only maidens competed, just as only maidens, not married women, could attend the men's Olympics, reinforces the sense that the games had a role in facilitating mating.²⁵

Spartan girls often won these games, as they were trained by their city-state for rigorous athletic competition precisely because this was seen to make them more desirable wives and more suitable mothers who produced stronger offspring. As Plutarch described it, the Spartan lawgiver Lycurgus

made the maidens exercise their bodies in running, wrestling, casting the discus, and hurling the javelin, in order that the fruit of their wombs might have vigorous root in

20. See, e.g., SARAH B. POMEROY, *SPARTAN WOMEN* 21 (2002) (describing her as having a tomboyish nickname and being closely related to other sporting women as well as to Spartan kings).

21. See generally Thomas Scanlon, *The Heraia at Olympia Revisited*, 21 *NIKEPHOROS* 159 (2008) (reviewing and updating evidence of female participation in the games).

22. PAUSANIAS, *DESCRIPTION OF GREECE* 5, 16–27 (W. H. S. Jones & H. A. Ormerod trans., 1926), available at <http://www.theoi.com/Text/Pausanias1A.html> [<https://perma.cc/P7ZA-K79C>].

23. Matthew Dillon, *Did Parthenoi Attend the Olympic Games? Girls and Women Competing, Spectating, and Carrying out Cult Roles at Greek Religious Festivals*, 128 *HERMES* 457, 461 (2000).

24. PAUSANIAS, *supra* note 22, at 16–27.

25. See, e.g., Matt Kemp, *Ancient Greek Women in Sport*, *ELMIRA COLLEGE* (2009), <http://faculty.elmira.edu/dmaluso/sports/greece/reaction.html> [<https://perma.cc/FTP5-6RKM>]; Thomas F. Scanlon, *Games for Girls: Ancient Olympics Guide*, *ARCHAEOLOGY* (Apr. 6, 2004), <https://archive.archaeology.org/online/features/olympics/girls.html> [<https://perma.cc/XH7H-UKW9>] ("[n]ew studies challenge traditional notions about Greek athletes and why they competed").

vigorous bodies and come to better maturity, and that they themselves might come with vigour to the fulness of their times, and struggle successfully and easily with the pangs of child-birth. He freed them from softness and delicacy and all effeminacy.²⁶

Though the ancient Athenians did not offer such scope for athleticism to their daughters as did the rulers of Sparta²⁷ and Cyrene,²⁸ even the Athenians appear to have entered young girls in races in honor of Artemis as an initiation and purification ritual.²⁹ And they appreciated in theory the attractiveness of matching physically fit men and women. Xenophon, for example, expressed admiration for societies, such as Sparta, in which women, like men, were encouraged to engage in vigorous sports:

[T]he rest of the Hellenes . . . are content that our girls should sit quietly and work wools. That is all we demand of them. But how are we to expect that women nurtured in this fashion should produce a splendid offspring? Lycurgus pursued a different path. Clothes were things, he held, the furnishing of which might well enough be left to female slaves. And, believing that the highest function of a free woman was the bearing of children, in the first place he insisted on the training of the body as incumbent no less on the female than the male; and in pursuit of the same idea instituted rival contests in running and feats of strength for women as for men. His belief was that where both parents were strong their progeny would be found to be more vigorous.³⁰

In both his ideal *Republic* and his more down-to-earth *Laws*, Plato promulgated a Spartan model of physical education for women:

My law would apply to females as well as males; they shall both go through the same exercises. I assert without fear of contradiction that gymnastic and horsemanship are as suitable to women as to men. Of the truth of this I am persuaded from ancient tradition, and at the present day there are said to be countless myriads of women in the neighbourhood of the Black Sea, called Sauromatides, who not only ride on horseback like men, but have enjoined upon them the use of bows and other weapons equally with the men.³¹

The heroine Atalanta, whose very name etymologically derives from “equal weight,” was a favorite in Greek mythology because of her ability to engage in

26. PLUTARCH, *The Life of Lycurgus*, in THE PARALLEL LIVES 205, 246–47 (Loeb Classical Library ed., 1914), available at http://penelope.uchicago.edu/Thayer/e/roman/texts/plutarch/lives/lycurgus*.html [<https://perma.cc/FG2X-AKW9>]; see also POMEROY, *supra* note 20, at 28 (Citing the Latin poet Propertius for the proposition that in Roman Sparta, girls engaged in “nude co-ed wrestling; ball playing; hoop rolling; . . . wrestling with no holds barred . . . discus throwing; hunting; chariot driving; and wearing armor”).

27. The playwright Aristophanes highlights this difference in athleticism in his play *Lysistrata*, when he has an Athenian comment about her Spartan counterpart, “O the sweet girl! how hale and bright she looks! / Here’s nerve! here’s muscle! here’s an arm could fairly / Throttle a bull!,” to which the Spartan responds, “Well, by the twain, I think so. Since I exercise.” ARISTOPHANES, *LYSISTRATA* 78–83, (B.B. Rogers trans., 1931). For further discussion, see Betty Spears, *A Perspective of the History of Women’s Sport in Ancient Greece*, 11 J. SPORT HIST. 32, 39 (1984).

28. A North African Greek colony named after the mythical huntress Cyrene whose defeat of a lion attracted the attention of Apollo and whose “young girls demonstrated their swiftness in foot races.” GUTTMANN, *supra* note 8, at 26.

29. See *id.* at 22.

30. XENOPHON, THE POLITY OF THE LACEDAEMONIANS (H. G. Dakyns trans., 2008), <https://www.gutenberg.org/files/1178/1178-h/1178-h.htm> [<https://perma.cc/N3GW-WD3Z>] (last modified Jan. 15, 2013).

31. PLATO, *Book VII*, in LAWS (Benjamin Jowett trans.), available at <http://classics.mit.edu/Plato/laws.7.vii.html> [<https://perma.cc/4KAX-CSTU>].

sports on a par with men, wrestling victoriously with Peleus, successfully hunting the Caledonian boar, sailing with the Argonauts, and eventually marrying the only man who could defeat her in a footrace, for which victory he needed trickery and the help of Aphrodite.³²

What is important for present purposes is that the Greeks found that athletic vigor in women, even to the point of competition with men, strengthened a woman's heterosexual appeal. Before she was Helen of Troy, the most desirable woman in the Greek world was Helen of Sparta. The Greeks also thought athletically strong women were strongly heterosexually attracted themselves: "virile women, like Amazons—who could overcome the weak, 'effeminate' traits in themselves—were assumed to desire virile men; . . . it was overly feminine women who would be attracted to loving other women."³³ As Adrienne Mayor has recently argued, the Greeks may have modeled the mythical Amazons on actual Scythian nomadic horsewomen, both of whom they depicted in vase painting as sexily clad in tight fitting trousers suitable for riding.³⁴ Similarly, the Roman natural historian Aelian described courtship and marriage among the eastern nomads as originating in a battle for dominance: "If a man wants to marry a maiden, he must fight a duel with her. They fight to win but not to the death" and the loser is under the victor's control.³⁵ The ancient Romans, who opened up far more games to the participation of girls and women,³⁶ may have derived a somewhat different kind of heterosexual excitement from women's athleticism, given the tales of elite women both training with and lusting after male gladiators.³⁷

III

FROM THE MIDDLE AGES THROUGH THE EARLY MODERN PERIOD

In medieval and early modern Europe, women's and mixed-sex athleticism among the peasantry was again associated with mating and fertility. Medieval women participated in folk football, played on Christian spring feast days like Shrove Tuesday as a likely holdover from fertility rites associated with the vernal equinox. Sometimes they played with men; in England on Shrove Tuesday, married women played against maidens and spinsters. That the game was violent was not seen as a reason to exclude women, who also played Shrovetide stoolball,

32. The Norse version of this myth is the *Nibelungenlied's* tale of Brunhilde of Iceland, whose suitor Gunther also needs magical assistance to match her in athletic competition and thereby win her hand. *See, e.g.,* GUTTMANN, *supra* note 8, at 42.

33. ADRIENNE MAYOR, *THE AMAZONS: LIVES AND LEGENDS OF WARRIOR WOMEN ACROSS THE ANCIENT WORLD* 134 (2016).

34. *See generally id.* Mayor points out that for the Greeks, trousers were an effeminate garment designed for barbarian women, whereas a manly Greek man should wear a garment that let his genitals be seen instead of promoting androgyny and sexual confusion in trousers. *Id.* at 196–97.

35. *Id.* at 132.

36. *See, e.g.,* Betty Spears, *A Perspective of the History of Women's Sport in Ancient Greece*, 11 *J. SPORT HIST.* 32, 44 (1984) (citing "[i]nscriptions [that] establish that girls took part in and were victors at athletic festivals during the Roman Period").

37. *See, e.g.,* GUTTMANN, *supra* note 8, at 40 (citing, inter alia, the Roman poets Martial and Junenal).

a precursor of modern baseball and cricket.³⁸ Medieval and early modern women also competed in single-sex races for valuable prizes, such as smocks or bolts of cloth.³⁹ Contemporary observers, such as J.B. Le Blanc in 1747, explicitly compared these races to those of ancient Sparta.⁴⁰ Again, the participants seem often to have been limited to young unmarried girls and, in separate races, to prostitutes; like the Greek maidens' races, these races thus retained elements of winning a partner as well as a prize.⁴¹

Among the medieval and early modern aristocracy, sport for men became more closely allied to training for war, and for women it also often retained a practical aspect. The earliest treatise on the sport of angling was attributed to Juliana Berners, a fifteenth century aristocratic English nun, who also was said to have written on hawking, hunting, and archery,⁴² sports in which noblewomen participated.⁴³ Men and women, from the Pharaoh Tutanchamun and his queen⁴⁴ to Elizabeth I and her master of horse Robert Dudley, had hunted together for millennia. Royal women may not have jousted, but they did participate in archery. Henry VIII complained about how much Anne Boleyn spent on her participation in the sport, and their daughter Elizabeth was praised for her skill with a crossbow.⁴⁵ In the Renaissance and in later centuries, archery was seen as a particularly suitable sport for women because they could undertake it in voluminous skirts, and it was seen to pose the female body attractively⁴⁶; it was described in 1828 as "the only field diversion they can enjoy without . . . being thought masculine."⁴⁷

Debates about the suitability of strenuous exercise for women existed in the Renaissance. Although in the early sixteenth century, at educator Vittorino Da

38. See, e.g., *id.* at 48.

39. See DENNIS BRAILSFORD, *SPORT AND SOCIETY: ELIZABETH TO ANNE* 113 (1969).

40. See GUTTMANN, *supra* note 8, at 73 (quoting MARIA KLOEREN & WILHELM HOPF, *SPORT UND REKORD: KULTURSOZIOLOGISCHE UNTERSUCHUNGEN ZUM ENGLAND DES SECHZEHNTEHNTEN BIS ACHTZEHNTEHNTEN JAHRHUNDERTS* 264 (1985)).

41. See, e.g., GUTTMANN, *supra* note 8, at 63–65 (detailing examples from various countries of races for lower class girls and women in the Renaissance, including a regatta for women in Venice beginning in 1493).

42. See Dame Juliana Berners, *A Treatyse of Fysshynge wyth an Angle*, in *THE BOKE OF SAINT ALBANS* (1486), available at <http://www.luminarium.org/renascence-editions/berners/berners.html> [<https://perma.cc/NF3L-VE6R>]. Whether she actually existed or wrote any portion of the book associated with her is beyond my competence to judge.

43. See, e.g., JOSEPH STRUTT, *THE SPORTS AND PASTIMES OF THE PEOPLE OF ENGLAND INCLUDING THE RURAL AND DOMESTIC RECREATIONS, MAY GAMES, MUMMERIES, SHOWS, PROCESSIONS, PAGEANTS, & POMPOUS SPECTACLES, FROM THE EARLIEST PERIOD TO THE PRESENT TIME* (1801) (detailing the routine participation of elite women in numerous sporting activities over long English history with subchapters such as "Ladies Fond of Hawking" and "Ladies Fond of Archery").

44. GUTTMANN, *supra* note 8, at 10.

45. James Williams, *Sport and the Elite in Early Modern England*, 28 *SPORT HIST.* 389, 408 (2008).

46. See GUTTMANN, *supra* note 8, at 118 (citing *THE YOUNG LADY'S BOOK: A MANUAL OF ELEGANT RECREATIONS, EXERCISES AND PURSUITS* 421 (1829)).

47. GUTTMANN, *supra* note 8, at 118 (quoting PIERCE EGAN, *BOOK OF SPORTS, AND MIRROR OF LIFE: EMBRACING THE TURF, THE CHASE, THE RING, AND THE STAGE: INTERSPERSED WITH ORIGINAL MEMOIRS OF SPORTING MEN, ETC.* 244 (1836)).

Feltre's Casa Giocosa in Mantua, aristocratic girls learned to "run, ride, swim, leap—and play ballgames,"⁴⁸ the debaters in Castiglione's *Courtier*, while conceding, as Cesare Gonzago did, that their female contemporaries, could "play tennis, handle weapons, ride, hunt, and engage in nearly all the exercises that a cavalier can," nevertheless wondered whether it might be preferable that they avoid "such robust and manly exercises" and practice "even those that are becoming to a woman . . . in a measured way and with that gentle delicacy we have said befits her."⁴⁹

IV

THE REVERSALS OF THE NINETEENTH CENTURY

These debates regarding the desirability of women's participation in sports intensified after what Laqueur dubbed the invention of sex in the late eighteenth century, as men and women came to be seen as both physiological and psychological polar opposites to be relegated by culture and society to separate spheres for the sake of their health as well as of propriety. Although, in the early nineteenth century, some advice columnists still urged physical activity such as horseback riding for women,⁵⁰ only a few years later, the "most important of the early Victorian defences of women's physical training"⁵¹ warned that horseback riding, in addition to "coarsen[ing] the voice and complexion," masculinized women and "produced an un-natural consolidation of the bones of the lower part of the body, ensuring a frightful impediment of future function." In short, riding horses, like other forms of "overexertion," would make women both heterosexually undesirable and reproductively compromised.⁵² Bicycle riding fared no better. In addition to the other risks cycling posed for women's morals and health, "[o]ver-exertion, the upright position on the wheel, and the unconscious effort to maintain one's balance tend to produce a wearied and

48. GUTTMANN, *supra* note 8, at 58. See also E. B. English, *Women and Sport during the Renaissance*, in *WOMEN AND SPORT* 26, 28 (J. Borms et al. eds., 1981) (discussing aristocratic girls' activities at La Casa Giocosa).

49. BALDASSARE CASTIGLIONE, *THE BOOK OF THE COURTIER* 209–10 (Charles Singleton trans., W.W. Norton & Co., 1959) (1528).

50. For example, an 1827 article in the *American Farmer* argued, "no absurdity is greater than that which associates female beauty with great delicacy of body and debility of constitution." Despite recommending riding and "every game which can exercise both the legs and the arms, and at the same time the muscles of the body" to girls, it nevertheless made an exception for "wrestling, cricket, quoits, and those sports properly termed athletic, which are proper for boys[.]" Jack W. Berryman & Joann Brislin, *The Ladies' Department of the American Farmer, 1825–1830: A Locus for the Advocacy of Family Health and Exercise*, in *HER STORY IN SPORT* 57, 64 (Reet Howell ed., 1982) (quoting *Of the Exercises Most Conducive to Health in Girls and Young Women*, 9 *AM. FARMER* 254 (Oct. 1827)).

51. This is how KATHLEEN E. MCCRONE, *PLAYING THE GAME: SPORT AND THE PHYSICAL EMANCIPATION OF ENGLISH WOMEN 1870–1914* 9 (1988) described Donald Walker's 1837 *Physical Exercises for Ladies*.

52. GUTTMANN, *supra* note 8, at 90 (quoting DONALD WALKER, *EXERCISE FOR LADIES: CALCULATED TO PRESERVE AND IMPROVE BEAUTY, AND TO PREVENT AND CORRECT PERSONAL DEFECTS, INSEPARABLE FROM CONSTRAINED OR CARELESS HABITS: FOUNDED ON PHYSIOLOGICAL PRINCIPLES* (1836)).

exhausted ‘bicycle face.’”⁵³ If exercise had its advantages as well as its risks for women, competition was particularly “unwomanly” and could lead to physical collapse. German pediatricians, for example, warned in 1880 that using gymnastic equipment “[a]fter the age of ten” was “scarcely decent and . . . often injurious” for girls.⁵⁴ According to a German gymnastics expert, Moritz Kloss, girls’ physical education should not sacrifice “tender femininity” to produce “Spartan toughness.”⁵⁵ Even the medically trained Arabella Kenealy warned in her 1899 essay, *Woman as an Athlete*, that a young woman who cycled and hiked, played field hockey and tennis, did so at the expense both of her femininity and “the birthright of the babies [she] and her sister athletes are squandering.” Kenealy would later claim that physical exertion was even more dangerous to women than mental exertion and that “muscular arms and legs sapped the strength of the internal organs” forcing obstetricians to use forceps to deliver athletic women’s babies.⁵⁶

There were dissenting voices throughout the nineteenth century. Frances Dana Gage, for example, asked in the 1850s:

If the mother is physically effeminate, can her children be physically strong? . . . Why not . . . make more strenuous efforts to develop the physical powers of our girls, encouraging them to more active exercise and athletic sports? . . . Why shall they not have gymnasiums and boat clubs, and lay off their cumbrous dresses, on the play ground at least, and join their brothers in a game of base ball or cricket?⁵⁷

But Gage was a women’s rights activist, and opponents as well as proponents of women’s rights tended to associate women’s participation in organized sports with their emancipation and masculinization. Thus, an 1867 editorial entitled *Sexual Assimilation* complained that “occupations which have hitherto been considered exclusively masculine are usurped by” women, moreover women now join men “in their hitherto exclusive amusements.” These included “driving and riding horses (astride), swimming, diving, hunting, fishing, walking, rowing, and gymnastics,” to which would soon be added, the editorial’s author feared, “female base ball and cricket clubs.”⁵⁸ Of course, the editorialist’s mistake was thinking that women engaging in any of these physical activities was a novelty. Women may not have practiced law much before the mid-nineteenth century, but they had been riding, hunting, and fishing for centuries. As Debra Shattuck documents in her book on women baseball pioneers, they were even playing organized baseball in the 1860s, masculine though this sport was coming to be.⁵⁹

53. Joseph Stromberg, “Bicycle face”: A 19th-Century Health Problem Made Up to Scare Women Away from Biking, VOX (Mar. 24, 2015), <https://www.vox.com/2014/7/8/5880931/the-19th-century-health-scare-that-told-women-to-worry-about-bicycle> [<https://perma.cc/TP9U-LHV7>] (quoting *The Bicycle Face*, LIT. DIGEST, Sept. 7, 1895, at 548).

54. GUTTMANN, *supra* note 8, at 92.

55. *Id.* at 94.

56. *Id.* at 95.

57. DEBRA A. SHATTUCK, BLOOMER GIRLS: WOMEN BASEBALL PIONEERS loc. 582–87 (2017) (ebook) (quoting a letter written by Gage).

58. *Id.*

59. *Id.*

By contrast, the competitive athletic activities that were apparently seen as most suitable for Victorian-era young ladies were those, such as tennis⁶⁰ and croquet,⁶¹ that directly promoted heterosexuality because they could, without great physical exertion, be undertaken in mixed-sex courting company. It was precisely the ladylike sports women had been accustomed to play in mixed company for which women first were allowed to join the modern Olympics in 1900. The limited sports in which a few women could compete initially included the team sports of sailing, croquet, golf, and horseback riding. Archery, tennis, figure skating, and swimming were added to the women's competitions by 1912, fencing and light gymnastics in the 1920s.⁶²

After the introduction of women's track and field at the 1928 Olympics, the Women's Division of the National Amateur Athletic Federation repeatedly petitioned them not to repeat this dangerous "experiment."⁶³ False reports that ten women collapsed during and after the 800-meter run in that year led to women being banned from running that distance for the next thirty years,⁶⁴ after which evidence emerged that distance events are actually ones in which women, for physiological reasons, can most readily excel.⁶⁵ More generally, women's participation in Olympic sports was questioned. In a 1929 article asking about *Olympics for Girls?* a negative attitude was justified on the grounds that "[i]ntense forms of physical and psychic conflicts . . . tend to destroy girls' physical and psychic charm and adaptability for motherhood."⁶⁶ Similarly, an article in *Scientific American* insisted that, "feminine muscular development interferes with motherhood."⁶⁷

V

AN UNDERCURRENT OF HETEROSEXUALITY IN PRESENT DAY WOMEN'S SPORTS

In the twenty-first century, a woman's physical and reproductive fitness are no longer seen as in the sort of tension with one another that nineteenth century

60. As early as 1427, the *Journal d'un Bourgeois de Paris* reported that a twenty-eight year old woman, Margot de Hainault, had beaten the men of Paris at tennis. See GUTTMANN, *supra* note 8, at 51–52.

61. Even the latter, however, could be criticized, not as masculinizing its female players, but as potentially immoral given its perceived sexual overtones. See GUTTMANN, *supra* note 8, at 119–20.

62. Natalie Zarelli, *The Olympic Committee Spent Years Concern-Trolling Women About 'Wandering Wombs'*, ATLAS OBSCURA (Aug. 17, 2016), <http://www.atlasobscura.com/articles/the-olympic-committee-spent-decades-concern-trolling-women-about-wandering-wombs> [<https://perma.cc/4B8G-FHSQ>].

63. *See id.*

64. *Id.*

65. *See e.g.*, Melissa Dahl, *The Obscure Ultra-Endurance Sport Women are Quietly Dominating*, CUT (Sept. 11, 2016), <https://www.thecut.com/2016/09/the-obs-cure-endurance-sport-women-are-quietly-dominating.html> [<https://perma.cc/FLP4-C728>] (discussing several studies that found women to be categorically faster than men in ultra-distance swimming races).

66. GUTTMANN, *supra* note 8, at 139–40.

67. *Id.*

“experts” warned against. Indeed, now that female athletic competition is not limited, as in the Heraean games, to maidens, the list of female champions increasingly includes women who return to compete successfully after having given birth.⁶⁸ Exercise physiologists are even considering the possibility that, at least for distance sports, childbirth may “improve athletic ability.”⁶⁹

Women’s sports today are no longer explicitly part of a mating ritual, as some of their ancient and medieval predecessors may have been. Yet the notion that champions may choose to pair up is far from outdated. The many celebrity couples of athletes in the same sport include tennis champions Steffi Graf and Andre Agassi. Media outlets such as *Sports Illustrated* periodically publish rankings of power couples in sports.⁷⁰ Some of these power couples have included men who served as coaches or promoters for their more athletically and commercially successful female spouses, as George Zaharias did for Babe Didrikson Zaharias,⁷¹ and Al Joyner did for Florence Griffith Joyner.⁷² The 2017 feature film *Battle of the Sexes* showed tennis champion Billie Jean King not only taking on a male competitor in Bobbie Riggs and a lesbian lover, but also being supported in her efforts to promote women’s tennis by her husband Larry King, whom she had met when both were playing high level college tennis, he with a scholarship, she, “because she was a girl,” without one.⁷³ After the conclusion of the most recent Super Bowl, the satirical though accurate headline “Husband Of World Champion Julie Ertz Wins Regional Sports Trophy”⁷⁴ celebrated the marriage of a FIFA Women’s World Cup champion soccer player with the Super Bowl winning Eagles tight end. Forming another kind of modern power couple, tennis great Serena Williams, shortly after winning the Australian Open while

68. David Cox, *Does Childbirth Improve Athletic Ability?*, GUARDIAN (Nov. 4, 2014), <https://www.theguardian.com/lifeandstyle/the-running-blog/2014/nov/04/does-childbirth-improve-athletic-ability> [https://perma.cc/LVG2-SUNY].

69. *Id.*

70. See, e.g., Daniel Rapaport, *The Definitive Power Ranking of Athlete Couples*, SPORTS ILLUSTRATED (July 20, 2017), <https://www.si.com/extra-mustard/2017/07/20/definitive-power-ranking-athlete-couples> [https://perma.cc/UB5P-PK75]. A minority of these couples are lesbian; none so far are gay men.

71. See, e.g., Don Van Natta, Jr., *Babe Didrikson Zaharias’s Legacy Fades*, N.Y. TIMES (June 26, 2011), <http://www.nytimes.com/2011/06/26/sports/golf/babe-didrikson-zahariass-legacy-fades.html> [https://perma.cc/3QPD-L5JR]. Babe Didrikson was perhaps the greatest female athlete of the twentieth century, a champion in multiple diverse team and individual sports and a pioneer of women’s professional golf. Her marriage to Zaharias, together with a new wardrobe and makeup, helped soften her image, dispel rumors of lesbianism, and offset the acknowledged fact that she was “not pretty.” *Id.*

72. James Montague, *Saving Flo Jo: Taking Back a Legacy*, CNN (Aug. 10, 2012), <https://www.cnn.com/2012/08/10/sport/olympics-flo-jo-seoul/index.html> [https://perma.cc/QAS8-N4W7]. Florence Griffith Joyner was a runner best known for her three Olympic gold medals and the personal style of her make-up and nails.

73. See, e.g., Alessandra Stanley, *The Legacy of Billie Jean King, an Athlete Who Demanded Equal Play*, N.Y. TIMES (Apr. 26, 2006), <http://www.nytimes.com/2006/04/26/arts/television/the-legacy-of-billie-jean-king-an-athlete-who-demanded.html> [https://perma.cc/C4U5-Y9TE].

74. *Husband Of World Champion Julie Ertz Wins Regional Sports Trophy*, NUTMEG NEWS (Feb. 4, 2018), <https://www.thenutmegnews.com/current/2018/2/4/husband-of-world-champion-julie-ertz-wins-regional-sports-trophy> [https://perma.cc/8TUU-7ZF9].

pregnant, married her daughter's father, Reddit founder Alexis Ohanian.⁷⁵

But in some respects, the culture has not fully abandoned the conflict the nineteenth century tended to see between women's sports success and their heterosexual desirability. From early in her career up until her fairy tale wedding, Serena Williams faced repeated criticism for being unfeminine and undesirable.⁷⁶ Racism clearly paid a part in this criticism, but so did Williams's unabashed strength and muscularity. As recently as 2015, the *New York Times* devoted a lengthy article to the proposition that "body-image issues among female tennis players persist, compelling many players to avoid bulking up" because "perceived ideal feminine body type can seem at odds with the best physique for tennis success."⁷⁷

The example of female tennis players who seek to avoid developing muscles that might help their game but hurt their body image is one of a tradeoff between perceived feminine desirability and athletic advantage. Another, from the mid-twentieth century, is the uniform members of the All-American Girls Baseball League were forced to compete in—a short skirt meant to attract male spectators but which made sliding into a base cumbersome and painful.⁷⁸ There is not always a direct contradiction between what it takes to make an athlete competitive and what is thought to make her heterosexually desirable. Yet modern women athletes, unlike their male counterparts, are often forced as a condition of their participation in sports to take extra measures to enhance their attractiveness. In addition to short skirts, the All-American Girls Baseball League also imposed charm school and makeup requirements on all its players.⁷⁹ "They wanted us to be feminine and (at the same time) play like Joe DiMaggio," said second baseman Sophie Kurys.⁸⁰

Among the ongoing formal demands that female athletes, but not male athletes in the same sport, demonstrate attractiveness in addition to athletic ability, consider a comparison of the rules imposed on male and female gymnasts. In many respects, men's and women's gymnastics are simply different sports, each with apparatus geared to each sex's physiological advantages; for example

75. Jason Duaine Hahn & Kathy Ehrich Dowd, *A Perfect Match! Serena Williams and Alexis Ohanian Are Married*, PEOPLE (Nov. 16, 2017), <http://people.com/sports/serena-williams-alexis-ohanian-wedding-marriage/> [<https://perma.cc/L4AA-8MVK>].

76. See e.g., Ben Rothenberg, *Tennis's Top Women Balance Body Image With Ambition*, N.Y. TIMES (July 10, 2015), <https://www.nytimes.com/2015/07/11/sports/tennis/tennis-top-women-balance-body-image-with-quest-for-success.html> [<https://perma.cc/9DWV-DDUQ>] (noting that Williams "regarded as symbol of beauty by many women[,] . . . has also been gawked at and mocked throughout her career . . .").

77. *Id.*

78. See, e.g., Bill Francis, *League of Women Ballplayers*, NAT'L BASEBALL HALL OF FAME, <https://baseballhall.org/discover-more/stories/baseball-history/league-of-women-ballplayers> [<https://perma.cc/3BEN-NFJW>] (last visited Feb. 2, 2018) for photographs of this uniform.

79. See, e.g., Joanna Rachel Turner, *Diamonds are a Girl's Best Friend: How P.K. Wrigley started the All-American Girls Professional Baseball League*, AAGPBL (1993), <http://www.aagpbl.org/index.cfm/articles/aagpbl-history--diamonds-are-a-girl-s-best-friend/31> [<https://perma.cc/BXU2-KTVB>].

80. Quoted in *id.*

the rings (on which only men compete) highlight male upper body strength and the balance beam (on which only women compete) takes advantage of a shorter woman's lower center of gravity. But beyond these physical differences, the equipment “‘materialized’ the attitude commonly held about women and sports, men impose, women beguile.”⁸¹ Even when the equipment is the same for both sexes, the rules for performing and scoring differ in ways geared less to descriptive physiological differences than to normative gendered expectations; men are required to demonstrate strength, women, grace.⁸² In floor exercises, for example, women, but not men, are required to perform to music and to include dance moves on which they are scored.⁸³ Moreover, the entire sport of rhythmic gymnastics, emphasizing grace but using apparatus such as hoops, balls, clubs, and ribbons—none of which can plausibly be characterized as more physiologically suitable for females than for males—is almost exclusively engaged in by women.⁸⁴

Grace and strength are, of course, not incompatible. The gradual convergence of men's and women's figure skating may illustrate this, with the women now performing quadruple jumps and the men expected far more than in the past to demonstrate artistry through their choreography and costumes. What is often

81. A.B. Fredericks, *Gymnastics*, in 1 INTERNATIONAL ENCYCLOPEDIA OF WOMEN AND SPORT 481, 484 (2000).

82. *Id.* For written evidence of this difference, see the following side-by-side comparison of USA Gymnastics own description of men's and women's floor exercises, in Alexandra Svokos, *You Don't Know How Sexist Gymnastics Is Until You See The Rules Side By Side*, ELITE DAILY (Aug. 15 2016), <http://elitedaily.com/sports/difference-womens-gymnastics-vs-mens-gymnastics/1582261/> [<https://perma.cc/ZP9F-YMBW>]. The description of the men's floor exercises begins as follows:

The entire floor area should be used during the exercise, which consists primarily of tumbling passes performed in different directions. Acrobatic elements forward and backward and acrobatic elements sideward or backward take-off with one-half-turn must be performed during the routine.

USA GYMNASTICS, GYMNASTICS 101: MEN'S ARTISTIC GYMNASTICS EVENT DESCRIPTIONS, <https://usagym.org/pages/gymnastics101/men/events.html> [<https://perma.cc/KVY8-B9MB>] (last visited Feb. 2, 2018).

By comparison, USA Gymnastics describes the women's floor exercise in part as follows:

The floor exercise gives gymnasts the chance to express their personalities through their music choice and choreography. Gymnasts often get energy from the crowd and they usually welcome audience participation in clapping to the beat.

USA GYMNASTICS, GYMNASTICS 101: WOMEN'S ARTISTIC GYMNASTICS EVENT DESCRIPTIONS, <https://usagym.org/pages/gymnastics101/women/events.html> [<https://perma.cc/Q845-UE79>] (last visited Feb. 2, 2018).

As Svokos points out, women's gymnastics are far more popular than men's gymnastics as a spectator sport, so “[p]erhaps if the men dressed themselves up, put on some music and did a shimmy, America would pay more attention to them.” Svokos, *supra*.

83. See, e.g., Amy Van Deusen, *Everything You Need to Know About Gymnastic Floor Exercises*, THOUGHTCO. (Aug. 17, 2017), <https://www.thoughtco.com/floor-exercise-1714813> [<https://perma.cc/8VEZ-7TGC>].

84. Even in the one exceptional country, Japan, where men have competed for more than half a century, their competitive opportunities were downgraded in 2009, and there remains a risk that the men's sport will be abolished. See Tomoko Otake, *Image-flip for Male Rhythmic Gymnasts*, JAPAN TIMES (Aug. 17, 2013), <https://www.japantimes.co.jp/life/2013/08/17/general/image-flip-for-male-rhythmic-gymnasts/#.WnOqi2sUmyo> [<https://perma.cc/B7VE-BQB6>].

underestimated, however, is the extent to which demonstrating grace can be as physically demanding and as potentially dangerous as demonstrating strength. Synchronized swimming, a graceful sport overwhelmingly dominated by women, is not generally seen as a collision sport, but, as worry about concussions in sports generally has risen led by awareness of football's great risks, exercise physiologists are acknowledging that the majority of synchronized swimmers also will suffer concussions, not to mention scratches and bruises. "We make it look pretty above the water, but below, it's a battlefield," acknowledged one competitor who suffered a career ending blow to the head.⁸⁵ In sports where men and women compete together demonstrating respectively strength and grace, the comparative risks to the graceful women may also be underestimated—competitive cheerleading, for example, often involves strong male bases tossing lighter women up to sixteen feet in the air. The women may land so badly, with no protective gear, as to suffer permanent paralysis; there is much less risk for the men.⁸⁶

VI

AN UNDERCURRENT OF HETEROSEXUALITY WHEN MEN AND WOMEN COMPETE TOGETHER

There are several different possible models for sports in which men and women compete together, rather than completely separately or against one another.⁸⁷ Co-ed cheerleading is one in which each sex is selected for a role geared to that sex's comparative advantage—male cheerleaders on a co-ed squad are strong bases, females graceful flyers, but similar routines can be performed in single-sex competition with a selection of various body types and skill sets from within a single sex. The same can likely be said of mixed doubles in tennis.

Mixed-sex teams in some other sports appear to be no more than the result of rule following, as when, at some pre-World War II bobsledding championships, "it was a requirement to have at least one female on the four-'man' sled."⁸⁸ It appears that the mixed-sex swim relays proposed for the Tokyo 2020 Summer Olympics as well as a mixed luge relay and a biathlon event at the 2014 Winter Olympics in Sochi⁸⁹ follow this model of mandating participation by both sexes, but without a requirement or even a likelihood of sex or gender

85. Ken Belson, *Synchronized Swimmers Find Danger Lurking Below Surface: Concussions*, N.Y. TIMES (July 18, 2016), <https://www.nytimes.com/2016/07/19/sports/synchronized-swimming-concussions.html> [https://perma.cc/22K3-VN9M].

86. See, e.g., Lisa Ling, *Most Dangerous 'Sport' of All May Be Cheerleading*, ABC NEWS (Jan. 4, 2010), <http://abcnews.go.com/Nightline/cheerleading-dangerous-sport-young-girls/story?id=9473938> [https://perma.cc/N7NA-HC33].

87. Note that events in which the sexes compete against one another can either involve open competition, where all sexes are eligible to enter and compete indiscriminately or they can deliberately pit men against women, in a battle of the sexes.

88. Mary Pilon, *Mixed Doubles: Making the Case for Coed Professional Sports*, FORTUNE (Sept. 6, 2015), <http://fortune.com/2015/09/06/mixed-doubles-coed-sports/> [https://perma.cc/5GYU-CA34].

89. *Id.*

specific roles for the participants. One could imagine far more of these events, for example relays involving fixed numbers of male and female competitors drawn from teams that now contain large numbers of both sexes competing separately.⁹⁰ And, on a broader level, there could be more team competitions, such as in gymnastics, where the individual scores of competitors of both sexes, each competing individually only against members of their own sex are tallied together to produce an overall mixed-sex team score.

More relevant to a consideration of the role of heterosexuality in sports is the optional voluntary integration of an athlete of one sex into a specific role in a team of the opposite sex. This appears to be occurring with increasing frequency in the sport of rowing or crew, with coxswains of one sex paired on a boat with rowers of the opposite sex. It is an advantage in a cox to be small and light, so it is not so surprising that women often cox for men's boats⁹¹; as one woman on a men's team noted, "female coxswains . . . can fit in the boat easier."⁹² Within months of FISA, the World Rowing Federation, lifting gender restrictions on coxswains in March 2017, allowing a woman to cox a men's crew and a man to cox a woman's crew at an international regatta, the U.S. announced it would send a woman to cox its men's Under-19 National Team at the 2017 World Junior Championships.⁹³ Perhaps more surprisingly, the New Zealand women's eight won World Cup gold in 2017 with a male cox.⁹⁴ Although successful coxswains of opposite sex teams deny that they vary their style much depending on the sex of the team for which they are coxing,⁹⁵ advice on *Coxing for the Opposite Sex* is gendered, suggesting that female rowers need "encouragement, while men respond better to clear command[]." ⁹⁶ But this far from accounts for the attractiveness and success of mixing the sexes of coxswains and the rest of the boat. For this "pheromones"⁹⁷ may play a part.

90. And, on a broader level, there could be more team competitions, such as in gymnastics, where the individual scores of competitors of both sexes, each competing individually only against members of their own sex, are tallied together to produce an overall mixed-sex team score

91. See, e.g., Rena Simkowitz, *She's the Man: Women Coxswains on Men's Crew Teams*, HARV. CRIMSON (Apr. 29, 2016), <http://www.thecrimson.com/article/2016/4/29/women-coxswains-on-mens-crew-teams/?page=single> [<https://perma.cc/7WQM-EXFM>].

92. Charlotte Rosenberg, *12 Things Only Female Coxswains on Men's Teams Will Understand*, ODYSSEY (May 3, 2016), <https://www.theodysseyonline.com/12-you-will-only-understand-if-you-are-female-coxswain-on-mens-team> [<https://perma.cc/8TPX-8S3A>].

93. Elise Gorberg, *Sydney Edwards Makes History for U.S. Men's U19 National Team*, US ROWING (July 28, 17), <http://usrowing.org/news/2017/07/28/sydney-edwards-makes-history-u-s-mens-u19-national-team/> [<https://perma.cc/5ULL-BMHF>].

94. Olivia Caldwell, *History-maker: Sam's the Man for Kiwi Women's Rowing Crew*, STUFF (July 20, 2017), <https://www.stuff.co.nz/. . ./History-maker-Sams-the-man-for-Kiwi-womens-rowing-crew> [<https://perma.cc/8NFQ-P4D6>].

95. See *id.*; see also Simkowitz, *supra* note 91.

96. Bowball, *Coxing for the Opposite Sex*, TUMBLR (May 26, 2012), <http://bowball.tumblr.com/post/23814500439> [<https://perma.cc/6FCL-HVLB>] (originally posted on COXMATE NEWS, Nov. 30, 2001).

97. The suggestion in *Coxing for the Opposite Sex*, *supra*, is, however, that pheromones can lead to sexual harassment, not to success.

While heterosexuality may be an undercurrent in the success of coxing for the opposite sex, it is squarely on the surface of the structure and scoring of pair sports such as ice dancing, pairs figure skating, ballroom dancing, and mixed duet synchronized swimming.

Synchronized swimming was originally intended as a mixed-sex sport, with the first synchronized swimming meet, in 1939, between two co-ed teams and the first rule book, from 1940, specifying that the competitors could be male or female. But when the American Athletic Union accepted synchronized swimming as a sport, it separated the men's and women's events, and then dropped the men's events for lack of competitor interest.⁹⁸ Only in the late 1970s were men welcomed back in to the sport, but it will not be before 2020 at the earliest that men can compete in an Olympic synchronized swimming event. That event will likely be the mixed duet, which is said to “mirror pairs skating” in that it involves interaction between the pair, potentially including lifts and throws, rather than strict synchronization. As the coach of the 2015 FINA world champion mixed duet put it: “Seeing two women swim together is a beautiful thing—when they are perfectly matched and move like one. But the interplay between male and female gives the opportunity for artistry in a whole different dimension.”⁹⁹

When it is proposed that the “mixed duet mirrors pairs skating . . . in its potential to play off the chemistry between athletes” and that “the evaluation of the ‘connection’ between partners [be] part of the artistic score,”¹⁰⁰ there is little doubt that what is at stake is a heterosexual connection, not just the variation from strict synchronization that might come from simply having two swimmers of different sizes or body types.

The comparison to pairs skating, dominated in the mid-twentieth century by a Russian married couple, the Prodopodovs, who “gathered th[eir] laurels by ushering in a romantic, slow-moving, balletic style,”¹⁰¹ accentuates the heterosexual dimension. Even though successful pairs skaters today are more athletic, their routines retain elements of a heterosexual mating dance. This is even more true of ice dance routines. Perhaps the most successful ice dancing pair in history, Torvill and Dean, although now each coupled with other people of the opposite sex, have admitted to having been romantically involved decades ago, before Torvill's marriage.¹⁰² The sexual chemistry between them played a

98. Vicki Valosik, *It's Long Past Time for Male Synchronized Swimmers to Get Invited to the Olympics*, SLATE (Aug. 15 2016), http://www.slate.com/blogs/five_ring_circus/2016/08/15/male_synchronized_swimmers_belong_in_the_olympics_they_could_be_there_in.html [<https://perma.cc/SHL7-6WDQ?type=image>].

99. *Id.* (quoting Chris Carver, the U.S. national and Olympic coach).

100. *Id.*

101. Frank Litsky, *Ludmila Belousova, Russian Who Skated With Husband to Olympic Gold, Dies at 81*, N.Y. TIMES (Oct. 2, 2017), <https://www.nytimes.com/2017/10/02/obituaries/ludmila-belousova-dead-champion-russian-figure-skater-with-husband-protopopov.html> [<https://perma.cc/3GVV-NQ4Q>].

102. See Jabeen Waheed, *Not Dancing On Ice: Former Olympic Figure Skaters Jayne Torvill, 60, and Christopher Dean, 59, Baffled After they are Banned from the Rink on Revamped Show as 'TV bosses have not insured them'*, DAILY MAIL (Dec. 31, 2017), <http://www.dailymail.co.uk/tvshowbiz/article->

part in the perfect score they achieved for their Olympic gold medal Bolero routine on Valentine's Day in 1984.¹⁰³

There is nothing in competitive skating comparable to duet (rather than mixed duet) synchronized swimming. Not only must a skating couple be of mixed sex, they must play roles determined in part by gender, rather than mere relative size and strength, and there is every evidence that they are rewarded in competition for the heterosexuality of their performance. This is not to say that successful skating pairs are necessarily heterosexually attracted to one another. But recent litigation from the Netherlands raises the question whether the possibility of sexual attraction may indeed give an unfair competitive advantage in pair competition.

The competition in question in the Dutch litigation was ballroom, not ice dancing, a discipline that has long sought to cast itself as a sport rather than an art in an effort to be accepted in venues like the Olympics. "Anybody who has done it knows it's a sport because it's hard," said James Fraser, International Dance Sport Federation Presidium member.¹⁰⁴ But, while the art of ballroom dancing is practiced by same-sex as well as opposite-sex couples, international competition in the sport, except in specialty venues such as the Gay Games, where it is popular, has required a man and a woman to dance together, dressed in gendered clothing, with him leading her. Not only do "the partners move in close physical contact . . . an element of seduction and flirting is woven into the character of the dance."¹⁰⁵ But the many successful competitors who are openly gay have had to find partners of the opposite sex with whom to enter certain competitions. Two cases before the Netherlands Equal Treatment Commission called this requirement into question, the first of which held that the exclusion of same-sex couples from competition constituted indirect discrimination on grounds of sexual orientation and the second that it constituted direct discrimination on grounds of sexual orientation under the Dutch Equal Treatment Act. The unsuccessful plaintiff in the first case, from 1997,¹⁰⁶ was a promoter who wished to exclude same-sex couples from his events; the successful

5224463/Dancing-Ices-Torvill-Dean-BANNED-rink.html [https://perma.cc/8WHR-2X3T].

103. A video of their performance is available on YouTube. Tigrelis, *Torvill & Dean—1984 Olympics—Bolero*, YOUTUBE (Feb. 21, 2006), <https://www.youtube.com/watch?v=t2zbbN4OL98> [https://perma.cc/RDY5-NEA3].

104. Suzette Laboy, *Ballroom Dancing Goes for Olympic Gold*, BOSTON GLOBE (Dec. 29, 2007), http://archive.boston.com/ae/theater_arts/articles/2007/12/29/ballroom_dancing_goes_for_olympic_gold/ [https://perma.cc/89QN-URLQ].

105. Wibren van der Burg, *The Exclusion of Same-Sex Ballroom Dance Couples in the Legal Arena*, Delivered at the Conference United Against Homophobia in Sports, EGLSF/ EPAS Council of Europe, Utrecht (Oct. 12, 2012) (unpublished paper). The remainder of the discussion of same-sex couples in ballroom dance relies on this draft and on personal communication with Professor van der Burg, who advised the gay dance organization that was invited as an expert witness in the first case, represented the plaintiff gay couple and various gay organizations in the second case, and is the life partner of one of the plaintiffs.

106. CGB 1 april 1997, rolnr. 97-29, available at <http://www.mensenrechten.nl/publicaties/oordelen/1997-29> [https://perma.cc/PH83-3U7D].

plaintiffs in the second, from 2004,¹⁰⁷ were a gay male dance team who argued, *inter alia*, that “participation in dance contests [was] an expression of their homosexual identity as they have the desire to dance with a partner of the same-sex.”¹⁰⁸ The gay plaintiffs saw themselves as disadvantaged in being forced to pair with a partner for whom they could feel no sexual attraction, when they were being judged in part on the artistic quality of their flirtatiousness. Unfortunately, when the successful gay plaintiffs sought to enforce their favorable ruling through an expedited court proceeding, the judge held that there was not in fact indirect orientation discrimination, since gay people could compete successfully with persons of the opposite sex, and there was insufficient evidence to determine whether the direct sex discrimination might be justified by a possible difference in muscular force of women and men that could lead to significant differences in achievement between traditional couples and same-sex couples. Before gay organizations could raise money for an appeal, the plaintiff team stopped dancing together, leaving in place a questionable ruling and another pairs sport stuck in a heterosexual paradigm.

VII

CONCLUSION: THE LONG HISTORY OF WOMEN BOXING AS A CASE STUDY

Janet Guthrie, the first woman to compete as a driver in the Indianapolis 500 and the Daytona 500, correctly observed that “women lose their history They do these extraordinary things, and then they are forgotten and denied ever to have existed, so women keep on reinventing the wheel.”¹⁰⁹ The long history of women in competitive boxing illustrates well both her point and the central points of this article, and it is with a brief summary of that history that I will conclude this article.

In 1987, Joyce Carol Oates, a woman who seems to have lost her history, claimed in her book *On Boxing*: “Boxing is a purely masculine activity [W]omen’s role in the sport has always been extremely marginal Boxing is . . . [a] celebration of the lost religion of masculinity all the more trenchant for its being lost.”¹¹⁰

But as long as boxing has been an organized sport, women have been active participants in it. Although eighteenth century Englishman James Figg is known as the “father of boxing,” one of his female contemporaries, Elizabeth Wilkinson,

107. CGB 21 september 2004, rolnr. 2004-116, *available at* <http://www.mensenrechten.nl/publicaties/oordelen/2004-116> [<https://perma.cc/MG86-EX3G>].

108. *Id.*

109. See Melena Ryzik, *Too Good to Be Ignored: Women Who Reached the Top in Sports*, N.Y. TIMES (Oct. 24, 2016), <https://www.nytimes.com/2016/10/30/books/game-changers-women-who-reached-the-top-in-sports.html> [<https://perma.cc/69EQ-K85J>] (reviewing Molly Schiot’s *GAME CHANGERS: THE UNSUNG HEROINES OF SPORTS HISTORY*). Guthrie asked readers to remember that “there have always been women like me,” including, for example, Marie Laumailé, who in 1989 “sped one of the first electric tricycles in a race along the French Riviera” *Id.*

110. JOYCE CAROL OATES, *ON BOXING* 71 (1987).

was at least as acclaimed a boxing champion as he was.¹¹¹ She was also likely the wife of Figg's boxing colleague and her promoter, James Stokes,¹¹² with whom she may have owned a school for pugilists, making her a member of a sports power couple.¹¹³

In the eighteenth century, female boxing was often undertaken topless, so as to offer maximum heterosexual titillation to the spectators. But Wilkinson always fought clothed and in an organized fashion.¹¹⁴ Boxing at the time was also a particularly rough sport, involving not only bare knuckles, but wrestling, biting, and sometimes weapons. Wilkinson, like Figg, was more refined in her style, often fighting under the "half-crown rule," which involved clutching a coin in each hand so as to foreclose gouging and scratching.¹¹⁵ Wilkinson remained at least as often discussed as Figg for more than a century after their deaths.¹¹⁶ But, by the middle of the nineteenth century, men anxious about their masculinity sought to define boxing as an exclusively masculine domain, just as Joyce Carol Oates was later to do. The British government outlawed women's boxing in 1880.¹¹⁷

This did not mean female boxing ever fully disappeared from view. In 1876, it may have gotten its U.S. start, when, as reported by no less than the *New York Times*, two variety dancers, trained hard by male pugilists, arranged to fight a match for \$200 and a silver butter dish.¹¹⁸ In 1904, on the outskirts of the Olympic Games in St. Louis, where men's boxing was a demonstration sport, women put on an exhibition match under the Marquis of Queensbury rules in connection with the World's Fair.¹¹⁹ Even though women boxed each other and men throughout the first half of the twentieth century, and even though the 1970s brought a spate of successful lawsuits by women seeking to be licensed to fight men in various U.S. states and the Golden Gloves and some of those women went on to win their matches,¹²⁰ "women's boxing was widely viewed as a sideshow or

111. See generally Thrasher, *supra* note 10.

112. *Id.* at 54.

113. *Id.* at 57.

114. The announcement of one of her upcoming matches specified she and her female opponent, "knowing the noble science of defense" would "fight in close jackets, short petticoats, coming just below the knee, Holland drawers, white stockings, and pumps." Elizabeth Wilkinson, *Weekly Journal* (Oct. 1, 1726) (quoted in MALISSA SMITH, *A HISTORY OF WOMEN'S BOXING* loc. 339–40 (2014) (ebook)). The business model of having women fight in revealing clothing to titillate spectators remains to this day, however. See Karen Brooks, *Lingerie Boxing is not "Empowering". Even Calling it "Sport" is a Stretch*, *NT NEWS* (Feb. 26, 2017), <http://www.adelaidenow.com.au/rendezview/lingerie-boxing-is-not-empowering-even-calling-it-sport-is-a-stretch/news-story/40ba602e52f070bdc9a9a548b656174f> [<https://perma.cc/7ZEH-K769?type=image>].

115. Thrasher, *supra* note 10, at 58–59.

116. *Id.* at 61.

117. *Id.* at 68.

118. SMITH, *supra* note 114, at loc. 207.

119. *Id.* at loc. 1444.

120. Edward Beauchamp, *Boxing*, in 1 *INTERNATIONAL ENCYCLOPEDIA OF WOMEN AND SPORT* 171 (2000).

sexual exploitation at its worst” for most of the twentieth century.¹²¹ The match that “moved women’s boxing from the fringes of sexploitation into the mainstream,” was, like the St. Louis women’s exhibition of 1904, meant to take place in the shadow of a more prominent fight between men. Specifically, a bout between Christy Martin and Deirdre Gogarty was scheduled as the undercard for the Mike Tyson–Frank Bruno heavyweight championship fight on March 16, 1996, but the women proved far more exciting in the eyes of a million viewers on pay-per-view television.¹²²

The Martin–Gogarty fight modeled heterosexuality in a different way than the topless fights of the eighteenth century. It was a serious, skillful fight, whose victor’s bloody nose did not detract from her air of triumph. But it was paired with the men’s heavyweight championship as the Heraean Games were with the ancient Olympics. Each of the women fighters was at the time visibly heterosexual. Martin, the winner, had made a feminine pink her trademark color, and like Billie Jean King, was married to her manager, though later to become involved with another woman. Martin’s husband reacted quite differently from the supportive Larry King—he beat his wife and shot her with her pink gun when he learned of her lesbian affair.¹²³ Boxing is one of the few sports in which concern about women’s potential for reproduction is not misplaced—the rules require that no woman box while pregnant.¹²⁴ Although Gogarty, the loser, could demonstrate that she was not pregnant at the time of the fight, she and her husband have since had a son.¹²⁵

Martin won the match, not by a knockout, but by a unanimous decision. This highlights the ways in which the allegedly quintessentially masculine sport of boxing retains some elements associated with women’s sports and those sports gendered feminine. Male and masculine sports, in line with the Olympic motto “Citior, altior, fortior” (faster, higher, stronger) tend to involve clear and measurable victories. Female and feminine sports tend rely more centrally on discretionary judging, and what is judged often involves grace rather than mere speed, strength, or distance. Using these criteria, boxing matches decided on points, even when fought by men, have decidedly feminine elements.

Women’s boxing finally became an Olympic sport in 2012. But more than a decade earlier, in 2001, a women’s boxing match was for the first time the main event on pay-per-view. The winner in that event, by judges’ decision, was Leila

121. *Id.* at 168

122. See, e.g., *Christy Martin vs. Diedre Gogarty—The Fight that Lit the Sport on Fire!*, WBAN, <http://www.wbanmember.com/christy-martin-vs-diedre-gogarty-the-fight-that-lit-the-sport-in-1996/> [https://perma.cc/2KQN-K2D5] (last visited Feb. 2, 2018).

123. Jacob Feldman, *Christy Martin Fights for her New Life Six Years After Being Left to Die*, SPORTS ILLUSTRATED (July 1, 2016), <https://www.si.com/boxing/2016/07/01/christy-martin-boxer-career-shooting-domestic-violence> [https://perma.cc/BE39-5ALS].

124. Beauchamp, *supra* note 120, at 174.

125. See *Deirdre Gogarty to Enter International Women’s Boxing Hall of Fame*, DAILY ADVERTISER (July 10, 2015), <https://www.theadvertiser.com/story/sports/2015/07/10/deirdre-gogarty-enter-international-womens-boxing-hall-fame/29967661/> [https://perma.cc/79W6-ARKT].

Ali,¹²⁶ part of a sports power couple as the wife of NFL player Curtis Conway, with whom she has two children, and, perhaps more to the point, born herself into sports aristocracy as the daughter of Muhammad Ali, who initially opposed her giving up her manicure salon for the dangerous sport of boxing.¹²⁷ The loser was Freeda Foreman, daughter of another heavyweight boxing champion, George Foreman. A century after Coubertin insisted that “where sports were concerned, [a woman’s] greatest accomplishment was to encourage her sons to excel rather than to seek records for herself,”¹²⁸ we have come to the point where men can encourage their daughters to excel in the very sports in which they themselves obtained records.

126. For biographical information on Leila Ali and details of her pay-per view fight, see, e.g., WOMEN’S BOXING ARCHIVE NETWORK, LAILA ALI, <http://www.womenboxing.com/biog/lali.htm> [<https://perma.cc/HDY9-36VK>] (last visited Feb. 2, 2018).

127. Choosing what is perhaps the less feminine but more powerfully female half of her father’s catchphrase “float like a butterfly, sting like a bee” for her own, Leila Ali goes by the nickname “She Bee Stinging.”

128. See COUBERTIN, *supra* note 3.