



THE UNIVERSITY OF
SOUTHERN CALIFORNIA
JOURNAL OF LAW AND SOCIETY

Volume IV

Spring 2009

Issue 2

PUBLICATION NOTES

EXECUTIVE BOARD, EDITORS, & ADVISOR.....2
MISSION STATEMENT.....5

ARTICLES

PROMOTING GENDER EQUITY IN SPORTS THROUGHOUT THE WORLD
.....KATHERINE HUTCHINSON 7
CIVIL LIBERTIES AND THE ONLINE REGULATION OF SEX
.....VLADIMIR MEDENICA 35
NECESSARY CLARIFICATIONS FOR A POSSIBLE CITY OF REFUGE
.....VICTORIA KO 42

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EXECUTIVE BOARD

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Bo Ren is a 2010 candidate for a Bachelor of Arts in Psychology with a minor in Economics. She plans to attend law school in the fall of 2010 and hopes to enter nonprofit law, bringing business efficiency to nonprofit missions. Currently, she's working on her honors thesis in neuroeconomics, researching confirmatory bias in decision-making.

Vladimir Medenica—Managing Editor

Vladimir E. Medenica is a 2012 candidate for a Bachelor of Arts in Political Science and Psychology. He has worked for several political campaigns, most notably Rudy Giuliani and Barack Obama, as well as an aide to San Diego Treasurer/Tax-Collector Dan McAllister. Vladimir looks forward to continuing his education at the University of Southern California and hopes to attend law school soon after.

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Nicholas Nick Hernandez is a senior double majoring in Comparative Literature and Political Science. With a passion for international law and the arts, Nick is hoping to pursue a career in international law after receiving his Bachelor of Arts from the University of Southern California. As he prepares for graduation in May of 2009, Nick will remain active in the journal while also researching human rights, exploitation, and labor law disputes both domestic and abroad.

Waqas Akmal—Finance Director

Waqas Akmal is a freshman double majoring in Political Science and History at the University of Southern California. He plans on attending law school in the fall of 2012 and perhaps pursuing a career in either Constitutional or Corporate Law. Waqas' is currently the Financial Director of the Journal of Law and Society and is looking forward to being a part of the Journal in the years to come. Waqas is an active member of student organizations that help to empower undergraduates to make a difference in their community and believes that the Undergraduate Journal of Law and Society is the perfect way for undergraduates to have their voices and opinions heard by their community.

EDITORS

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Taylor Stern is a 2012 candidate for a Bachelor of Arts in Political Science. As of now, she plans to participate in Teach For America while working towards receiving her Masters of Education beginning in the fall of 2012. Currently, Taylor continues to enjoy her freshman year by working as a Teacher's Assistant in a local elementary school and playing on the women's club water polo team.

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Emi Suzuki is currently a junior majoring in English Literature with a minor in Political Science. Next year, Emi will serve as the Co-Director of Elections and Recruitment in Undergraduate Student Government. Upon graduation in May 2010, Emi hopes to work at a publishing company as a book editor. She plans to attend law school in fall of 2011.

David Resnick

David Resnick is a 2012 candidate for a Bachelor of Arts in Political Science. He plans to attend law school after graduation.

Kristin Oketani

Kristin Oketani will complete her Bachelor of Arts in History in the Spring of 2010 with a minor in Business Administration. She plans to attend law school in the fall of 2010 and would like to specialize in business law.

Isaac Ho

Isaac is a second year political science major and minor in East Asian Languages and Culture. He is currently planning on attending law school upon completion of his undergraduate and specializing in criminal law. Isaac is an avid follower of politics and hopes to use a law degree to pursue a career in politics.

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Sam Hassell is a 2011 candidate for a Bachelor of Arts in Philosophy with a Pre-Law emphasis. He plans to attend law school in the Fall of 2011 and hopes to work in either criminal or corporate law.

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Alison Dundes Renteln, Professor of Political Science, was Vice-Chair of the Department of Political Science from 1995-2001. She is a specialist in the areas of International Law/Human Rights, Comparative Legal Systems, Constitutional Law, and Legal and Political Theory. She joined the Department of Political Science in 1987.

Her publications include *International Human Rights: Universalism Versus Relativism* (1990), *Folk Law: Essays on the Theory and Practice of Lex Non Scripta* (co-edited with Alan Dundes) (1994), *The Cultural Defense* (2004), and numerous articles.

An expert on cultural rights, including the use of the "cultural defense" in the legal system, Professor Renteln has lectured to judicial organizations and law enforcement groups on this subject. She served on the State Bar Commission on Access to Justice, the California Judicial Council Access and Fairness Advisory Committee, and the California Attorney General's Commission on Hate Crimes.

Professor Renteln received her B.A. from Harvard-Radcliffe in History and Literature, her Ph.D. in Jurisprudence and Social Policy from the University of California at Berkeley, and her J.D. from the University of Southern California Law Center.

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LETTER FROM THE EDITORS

Dear reader,

Thank you for picking up an issue of the USC Journal of Law and Society (JLS). We are a student-run publication dedicated to encouraging undergraduate research and intellectual discourse in legal issues. We have worked hard this semester to bring you a diverse and eclectic variety of legal papers. In the following pages you will find a thesis addressing the gender inequity for women athletes in sports which offers a policy solution for gender discrimination. Following the gender and sports thesis is a paper voicing civil liberties concern on the online regulation of sex. Lastly, we end our issue with a philosophical piece on creating a city of refuge for native peoples to achieve their identity.

JLS has made incredible strides this semester, marked with generous support from the USC College of Letters, Arts, and Science and the USC College Writing Program. To expand our readership and encourage student input, JLS launched a blog featuring our past issues and offering a forum for student comments. As a spin off to our website, the JLS blog functions as a forum for students to think, critique, and discuss our articles.

Finally we would like to thank Dr. Alison Renteln for advising this journal, brainstorming funding ideas, and encouraging us to take JLS in a new direction.

Sincerely,

USC Journal of Law and Society Editors

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MISSION STATEMENT

We, the editors and staff at the University of Southern California Journal of Law and Society, are committed to providing a forum for undergraduates to engage their peers and the academic community. By providing this forum, the publication will promote interdisciplinary research, provoke critical thought and exhibit new perspectives on legal issues surrounding the world today. We are an independent journal where every process is created, edited and proofed by the undergraduates who run the publication. Though we may at times run articles on controversial issues, this journal remains nonpartisan and unbiased, and the articles express only the sole intentions of that author.

If you are interested in submitting an article to our journal or applying for an editorial position, please email us at uscjls@usc.edu, or comment on our blog: <http://uscjls.wordpress.com/> and visit our website: <http://www-scf.usc.edu/~medenica/uscjls/> .

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PROMOTING GENDER EQUITY IN SPORTS
THROUGHOUT THE WORLD

KATHERINE HUTCHINSON

I.	FORWARD.....	7
II.	INTRODUCTION.....	8
III.	THE OLYMPICS.....	10
	A. THE ANCIENT OLYMPICS.....	11
	B. THE DEVELOPMENT OF THE MODERN OLYMPICS.....	11
	C. WOMEN'S FIGHT FOR INCLUSION.....	12
IV.	CONTINUING INEQUITIES.....	12
	A. WOMEN FACE DIFFERENT CHALLENGES IN DIFFERENT AREAS OF THE WORLD.....	13
	B. PROBLEMS IN THE DEVELOPED WORLD.....	13
V.	PARTICIPATION.....	14
VI.	POSITIONS OF POWER.....	14
VII.	THE MEDIA.....	17
VIII.	PROBLEMS IN THE DEVELOPING WORLD	18
	A. TANZANIA.....	19
	B. CZECH REPUBLIC.....	20
	C. BRAZIL.....	21
IX.	IRAN AND THE MUSLIM WOMEN'S OLYMPICS	21
X.	COMMUNIST COUNTRIES.....	23
	A. THE PEOPLE'S REPUBLIC OF CHINA.....	23
XI.	MODEL LAWS AND MOBILIZING NGOS.....	26
XII.	POSSIBLE SOLUTION.....	27
XIII.	CONCLUSION.....	28

FOREWORD

Sport has always been an incredibly important part of my life. From the age of five I have rarely gone more than a few days without engaging in some sort of physical activity. These pursuits ranged from track and field to dance, basketball to horse-back riding, volleyball to swimming, and yoga to weight lifting. Each activity taught me new mental or physical lessons, and challenged me in different ways. As a collegiate athlete, I feel I have enjoyed enormous benefits from participating in sports. They have provided me with motivation, confidence and determination, as well as the chance to travel and meet new people. Most of my close friends are from sports teams, and they form a second family that supports each other throughout practices and competitions. Through these experiences, I have always known that sports were one of the most influential factors on my life. Therefore I was eager to delve into the many issues that continue to restrict equal access to sports throughout the world. My research in this area has made me appreciate the struggles for equality that continue to be fought in the sports world. While I am grateful for the opportunities I have had in athletics, I am now more aware that much remains to be done if the benefits of sports are to be available to all.

INTRODUCTION

Sports are perhaps one of the most universal manifestations of culture. While the preference and development of sports differ greatly depending on geography, there can be no doubt that despite this variance sports are strong representations of the values different societies embrace. Indeed, even more important than encouraging physical fitness, sports are often used as a socialization tool in teaching life lessons to children. In addition, sports embody the social hierarchy inherently present in specific societies. "Culturally, sports often reflect a culture's ideologies and values through what sport means, how play is structured, who may participate, and depictions of ideal athletes".¹ Therefore, dominant cultural values become embedded in society through sporting experiences.

As the world becomes more globalized, the increase of international and cross-cultural sporting experiences will greatly influence sporting worlds and the cultural values they embody. Heightened interaction between diverse groups of athletes will significantly increase cross-cultural contact. In addition, as the media continues to expand, so, too, will the world's exposure to new and different worldviews. Thus, there is a high potential for cultural conflicts or the alienation of specific groups in the sporting world. Given the extent of these new developments, the evolving nature of sport and the potential ramifications these changes may produce for societies must not be overlooked within social science. Rather, they must be carefully examined in order to properly pinpoint areas of discrimination or repression within sporting society and to advocate for universal inclusion of not only traditionally marginalized groups, but also for inclusion and acceptance of their cultural values. Only through such scrutiny can we encourage universal equality in domestic and international sporting worlds.

One of the most pertinent examples of exclusion in the sporting world can be found in discrimination against women. This prejudice is evidenced in the lack of equality in participation and leadership, as well as in media biases against female athletes. While attempts have been made to remedy these biases, the abysmal state of female athletes throughout the world demonstrates the persistence of massive inequalities between men's and women's athletics. While parts of international society have made great strides in the area of sporting equality, many barriers to female athletics remain.

Barriers to women's sports do not only come from males or male dominated institutions; but rather, they come ingrained in female athletes themselves. While conducting research for this paper, I was forced to confront many of my own predispositions about female athletes. For example, while I have always prided myself on being athletic, I have at the same time always strived to remain feminine. After arriving at USC to compete for the track and field team, my sense of the importance of retaining this femininity only increased. As a discus thrower, I participate in perhaps one of the most masculine of track and field events. Before going to meets my older teammates would encourage me to apply make-up so I could retain femininity during competition. My teammates and I have also felt the effects of societal and media preferences for attractive and slender female athletes. We are engaged in a constant battle between our desires to build muscle to increase our performance capability and the desire to remain thin. Already engrained in me from previous sports experiences, I embraced these skewed values without much hesitation, ensuring that I was seen first as a woman and only second as an athlete.

After realizing how my own actions were undermining female athletics, I became more aware of the many prejudices female athletes continue to face throughout the world. While the progress made in gender equity in sports is to be commended, we must still strive for more changes. Much of the work that remains to be done is in the developing world where women are prevented from participating in sport altogether due to financial constraints and societal norms. However, there is a dire need for greater equality in sports not only in the developing world but also in the developed world. Despite being generally more equal in terms of gender, the developed world has still not overcome prejudice in society at large, the media, and sporting institutions themselves. Only through critical analysis of our current attitudes and policies towards female athletes can we hope to achieve greater gender equity in sports.

The physical benefits of sports participation have been acknowledged for years. However, in addition to the many health benefits women gain from physical activity, they also improve their mental and emotional well-being. According to the Women's Sports Foundation, women who participate in sport also have higher self-esteem, a more positive body image, fewer symptoms of stress and depression, as well as an increase in confidence.ⁱⁱ Athletics also teaches women "goal-setting, strategic thinking, and the pursuit of excellence in performance and other achievement-oriented behaviors," and "leadership skills as well as the ability to work as a team."ⁱⁱⁱ With such vast benefits potentially available to both women and society through athletic participation, any attempt to encourage women to participate in sports could yield overwhelmingly positive results. Therefore, especially in nations that continue to marginalize women in their society, athletics provides a unique opportunity for women to improve their social standing and sense of self worth. In time, hopefully these benefits can manifest themselves in society through political and economic equality.

Many organizations throughout the world have readily acknowledged the importance of sport. In 2003 the United Nations General Assembly passed Resolution 58/5, titled, "Sport as a means to promote Education, Health, Development, and Peace."^{iv} This Resolution recognized the power that sport can play in enhancing development throughout the world and declared 2005 to be the International Year of Sport and Physical Education.^v The goal of this Year of Sport was to provide evidence of the effectiveness sport can play in development, as well as to create a place where information about using sport for development could be shared and learned. The United Nations declared that,

On the national level, sport and physical education contribute to economic and social growth, improve public health, and bring different communities together. On the global level, if used consistently, sport and physical education can have a long-lasting positive impact on development, public health, peace and the environment.^{vi}

More specifically, it was stated by the United Nations that sport could be used to achieve the Millennium Development Goals, including the third goal regarding women.

The third Millennium Development Goal is to "Promote Gender Equity and Empower Women."^{vii} As articulated by the U.N. during the International Year of Sport,

Increasing access for women and girls to physical education and sport helps them build confidence and a stronger social integration. Involving girls into sport activities alongside with boys can help overcome prejudice that often contributes to social vulnerability of women and girls in a given society.^{viii}

Thus, sports offer a truly unique way to enhance female power throughout the globe. Allowing women to play sports gives them an opportunity to overcome economic, political, and social issues affecting them. Through their activity, women can then alter their culture's social restrictions as well as perceptions that previously limited them. In addition, playing sports can increase the roles of women in their communities., thereby providing them an opportunity to enhance their rights. Therefore participating in the community through sports, may lead women to participate in other areas of society as well.

In light of the internationally recognized importance of sport, as well as the many benefits that sports can bring to individuals and society, it is imperative that these opportunities are readily available to women throughout the world. Unfortunately, most female athletes continue to be marginalized. In more developed nations they still are not equal to men in terms of participation and leadership. Neither are they quantitatively or qualitatively equally represented by the media. In many developing nations, women barely have any opportunity to take part in sports at all. They are restricted from the sporting realm by

societal norms, economic hardships, and or the simple lack of any opportunity to engage in athletics. If sporting equality is ever truly going to be achieved, we must actively pursue changes in each of these areas. Only through the joint efforts of individual nations, local and international sporting organizations, as well as NGOs can we overcome these perpetuating obstacles to female athletics.

I. THE OLYMPICS

While many international sporting events currently exist, much of this paper will focus primarily on the Olympic Olympics, as they present the most inclusive and comprehensive backdrop for this discussion. According to the International Year of Sport and Physical Education, "the Olympics represents a mix of nationalism, internationalism, sport, and human drama unmatched by any other event."^x As the largest international sporting event in the world, the Olympics represent an ideal place to help advance the values of equality. According to the International Olympic Committee, "Olympism is a state of mind based on equality of sports which are international and democratic."^x Moreover, they represent an ideal of fairness and equality unequalled by any other major international sporting event. The Secretary General for the United Nations, Kofi Annan states that,

The Olympics display the very best of our common humanity. Coming together across virtually every line of race, ethnicity, language, religion, gender and national identity, the athletes -- on their own or as members of a team -- will scale new heights, set new records and give the world a lesson in international understanding. The Olympics are a true celebration of humanity.^{xi}

As such, the Olympics embody the greatest peaceful international event in the world.

To most athletes the Olympics are the ultimate goal of their athletic careers, and the grandest achievement one can obtain. Participating in the most ancient sports forums, athletes feel the history of which they are becoming a part and the glory they are winning for their nations and themselves. Many have reported that winning an Olympic gold medal was the highlight of their career, even more substantial than breaking world records. The Olympics are watched by two billion people worldwide on television, while hundreds of thousands of others flock to host cities to observe the greatest athletic performances they may ever witness.^{xii} Such fanaticism that is witnessed every four years with the international spectacle of the Olympics cannot be compared to any other international event. Due to the overwhelming internationalism of the Olympics, I have chosen to focus on this competition as the main background for the discussion of gender equality, though this discussion of equality may also include sporting areas outside the Olympic Olympics to draw comparisons and highlight differences. When discussing the developing world, the Olympics will not be as strong of a backdrop given few women from the developing world participate in them. As such, in our search for gender equity in the area of sport, we must look further into local sports programs and policies to discover how we can better encourage universal sporting participation.

Despite this rhetoric of equality and universalism, the Olympics have unfortunately not been open to everyone. Discrimination on the basis of gender, social standing, race, ethnicity, and disability are found throughout Olympic history. While each of these area is an essential part to understanding our Olympic past and each requires further exploration in order to undo the discrimination inherent in Olympic bodies, this paper will only focus on the discrimination against women in the Olympic Movement as well as in international sports. However, it must be emphasized that many other groups face marginalization and discrimination in the sports world as well. These include ethnic minorities: gay, lesbian, and transgender athletes,, and disabled persons. While these groups will not be included in the scope of this paper, it is important to emphasize that women are not the only group that has been alienated by the sporting system. Rather, we must look critically into the discrimination that these groups have

faced and acknowledge that much more needs to be done in the sports world before it can be considered universal and equal.

A. THE ANCIENT OLYMPICS

As is quite commonly known, the Olympics of the 21st century are based on the ancient athletic competitions held in Greece. The first recorded occurrence of the Olympics dated back to 776 B.C., although it is widely speculated that the Olympics were held prior to that.^{xiii} Held every four years in Olympia, the Olympics were part of a religious celebration for the god Zeus. During the celebrations, women were prohibited from even entering the stadium to observe the competitions, let alone compete.^{xiv} Indeed, if a woman was caught watching the Olympics the penalty for her was death. In addition to gender discrimination, competition was not open to all males either. Rather participants had to be a male citizen with sufficient time and money to spend on training in order to compete. Thus, even at its earliest beginnings, the Olympics were elitist and exclusive by nature. After continuing on for centuries, the Olympics were eventually dismantled by Christianity due to their pagan associations and dedication to Zeus.^{xv} Although international sporting events continued in some fashion between the end of the ancient Olympics and the revival of the modern Olympics, none achieved similar distinction.

B. THE DEVELOPMENT OF THE MODERN OLYMPICS

The revival of the modern Olympics is due almost entirely to the initiative and vision of a single man: Baron Pierre de Coubertin. Born in 1863, Coubertin grew up in France, a country that had suffered a humiliating defeat at the hands of the Prussians. Due to his determination to regain French soil taken from the Prussians, Coubertin studied the physical fitness of the soldiers and attributed France's loss to a lack of physical training in the French army. Coubertin took an active stance on imitating the Americans and British in their physical education pursuits. He advocated an increased role of Olympics in education and became a strong supporter of sports federations.^{xvi} Enthralled with his newfound passion, Coubertin's priority of challenging Prussia gradually faded into the background.

In place of this dream a much greater one emerged. Coubertin set his mind to the idea that, "it was time to revive the most famous athletic festival of antiquity-the Olympic Olympics."^{xvii} This was not at all a revelation. Indeed several attempts to revive the Olympics had taken place between 1859 and 1870, but all had been significantly limited in their success and never continued.^{xviii} After announcing his plan to "internationalize sports" on November 25, 1892 to limited enthusiasm, Coubertin began recruiting nations to participate in his dream.^{xix} Despite substantial political maneuvering by France, Greece, and the United States, as well as many other countries and international actors, the 1896 Olympic Olympics were deemed a success, and the newly formed International Olympic Committee (I.O.C.) was firmly in place with Coubertin at its head to ensure their continuance.^{xx} Declaring the Olympics to be contributors to "harmony and good will," and "universal peace," the Olympic Movement was thus established.^{xxi}

Unfortunately, Coubertin's idea of universality were not exactly all inclusive. In fact the Olympics have often been proven to be exclusive and elite; representing only the privileged while neglected those who are disadvantaged. As a "level" playing field, the Olympics supposedly provide an opportunity for marginalized individuals to dramatically rise to glory on a global stage and defy common stereotypes in doing so. Despite the success many athletes have had in representing themselves in Olympic settings, their successes were somewhat diminished in that they contributed the institutions that have ostracized them. It is in fact ironic that the Olympics provide such a supposedly universal forum while continuing to function as an elitist institution.

C. WOMEN'S FIGHT FOR INCLUSION

Sexism and elitism were embodied in the modern Olympics by Coubertin in 1896. Coubertin believed that the involvement of women in the Olympic Olympics was an abhorrence, terming female athletics as a violation of the "Laws of Nature".^{xxi} Coubertin's line of thought, along with most of society's at that period of time, was that, "women should not sully the Olympics with their sweat but should merely crown the victors."^{xxiii} A quarter of a century after the first modern Olympics, Coubertin actually argued that associating women in the Olympics should be illegal.^{xxiv} Coubertin was far from the only person who advocated the exclusion of women as his views were concurrent with the current social trends. Female journalists of the time denounced women athletes, stating that "the lean and muscular female body, far from being beautiful, was an insult to nature."^{xxv} Thus, from the very beginning of the Olympic Movement women had to struggle for their place in any aspect of the Olympic Olympics.

Coubertin's exclusion of women during the 1896 Olympic Olympics represented the only time he was able to accomplish this form of discrimination. During the 1900 Olympics in Paris, seven women took part in the tennis tournament and ten in the golf tournament, and the first gold medal was awarded to a female in sailing.^{xxvi} However, these women were all from the upper class and their presence in these events was considered more social than physical. The 1908 Olympics were much more successful for women in fact, in 1911, the IOC ruled that swimming could now be included for females. Despite this progress, women still remained a slim minority, representing merely 53 participants of 2,430 in the 1912 Olympics.

Coubertin's successor to the I.O.C. was little more accepting of women in athletics. While he did allow women to participate in some Olympic activities, he was adamant that women not be allowed to compete in masculine sports.^{xxvii} The reasoning behind this exclusion was highly similar to that of de Coubertin in that: "[s]ports selected, however, were those that seemed to be socially sanctioned, aesthetic in nature, and requiring the characteristics of grace, elegance, and the display of women's bodies in flattering ways".^{xxviii} In addition, the spectacle of female sports was highly resisted as it was considered vulgar and masculine which reflected the patriarchal norms of that era. The idea was that the only physical exercise women should undertake should be for the improvement of their physical appearance. Such reasoning was seemingly proved to be true in the 1928 Olympics where for the first time women were allowed to compete in the 800 meter race in track and field. After several of the women collapsed after the race, the media decried that obviously such physical exertion was too much for the female body.^{xxix} This preoccupation with appearance still continues this day.

However, the increasing popularity of female sports, as well as the retirement of Coubertin, soon gave rise to an increasingly diverse set of women's choices for sport participation.^{xxx} In response to their exclusion from the Olympics, women formed their own Olympics, called the Federation Sportive Feminine International (FSFI), also known as the Women's Olympics.^{xxxi} Threatened by the growing success and popularity of the Women's Olympics, the I.O.C. yielded to female pressure and allowed for more female participation in the Olympics, as well as an increase in the number of events they could compete in. "By the 1936 Olympics in Berlin, women were competing in four Olympic sports: athletics, swimming, fencing, and gymnastics."^{xxxii} As the Olympics continued to prosper, more events became available to women to the point that by 2002, women were participating in 37 total Olympic events.^{xxxiii} However, despite such drastic improvements in the number of events in which women are allowed to engage in, full equality has yet to be achieved.

II. CONTINUING INEQUITIES

As women continue to be marginalized in the modern world, gender stereotyping must be challenged. Perhaps one of the most far-reaching areas where this might be accomplished is in the area of sports. This was well established at the 4th U.N. Conference on Women held in Beijing in 1995. According to Dr. Darlene Kluka, professor at Grambling State University whose research has focused on women in sport, "Through the...the efforts of numerous women and sport organizations attending the conference, the concept of sport and physical activity was sanctioned as an integral part of women's education, social development, and well being, and included in the final resolution."^{xxxiv} Athletics therefore provide a unique opportunity to enhance the well being of women throughout the world.

Because sports are reflections of society, making sports more available to women may lead to changes in societal norms. Therefore, the issue of female athletes deserves critical analysis because it is an area that can be greatly altered. Sport "is a social sphere in which gender cannot only be produced but also 'deconstructed' and changed."^{xxxv} In addition, the advancement of gender equality can be greatly assisted by the development of female athletes as role models. Kimberley A. Yuracko, a law professor at Northwestern Law School writes, "female athlete role-models allow girls to develop an alternative vision in their own mind of who and what they can become, and of what socially valued versions of themselves might look like."^{xxxvi} Thus, although this discussion focuses on the need for gender equity in sports, the achievement of these goals may, in fact, assist in also promoting gender equality throughout all aspects of society.

A. WOMEN FACE DIFFERENT CHALLENGES IN DIFFERENT AREAS OF THE WORLD

While women face many of the same challenges in the area of sport throughout the globe, several significant differences exist. As such, it is necessary here to discuss these differences, to reveal the range of problems women face. There are four main types of nations which I will examine. While some overarching similarities are uncovered, each of these groups also present different challenges for the female athletes residing in them. Examining these groups provides a more comprehensive background for the discussion of improving gender equity in those nations. By analyzing four categories, I can offer a more accurate discussion of women in sports. This will afford greater insight into what changes are needed in the future.

The first group is the developed world and includes: the United States, Canada, Western Europe, Australia, Japan and others. These tend to be more economically prosperous nations, and also those that have emphasized the importance of gender equity, usually through governmental action. However, underlying social barriers impede women's participation even in these societies.

The second group is the so-called developing world including Latin America and the Caribbean, Eastern Europe, Africa and much of Asia. These are nations that are either unstable politically, economically, or both. Due to these political and/or economic limitations, the rights of women have been relatively marginalized in the quest for stability and growth.

The third, and perhaps most unique group that will be discussed, are current and former Communist countries including the former Soviet Union, Cuba, and perhaps most importantly, The People's Republic of China. Their revolutionary emphasis on equality, as well as their desire to prove the superiority of the Communist system to the world through their demonstration of athletic excellence, raises expectations about the status of women in sport in these nations.

The fourth and most challenging group in terms of female equality in athletics is Islamic nations including most of the Middle East and some areas of Africa. While these nations may not adhere to Islamic law, they are also nations in which Islam plays a major role in everyday life. They severely limit the rights of women by constraining their opportunities for athletic involvement.

B. PROBLEMS IN THE DEVELOPING WORLD

There can be no doubt that female athletes are marginalized in sporting societies. Even nations with relatively advanced notions of gender equality perpetuate male dominated athletics. Dr. Darlene Kluka writes, "Female participation in sport and sport leadership has been unacceptable in many nations due to misogynistic and patriarchal ideologies."^{xxxvii} When considering the perpetuation of these views in developed societies, there appears to be three areas of marginalization that seem to be dominant. The first is in the participation of women in sports. This can be perceived in terms of the number of participants as well as the number of sports or events open to women. The second area of marginalization is in the management or administration of sporting teams, clubs or leagues, and events. This can be construed as coaches, owners, managers, officials, or others in leadership positions within the sporting world. The third and perhaps most consequential area of marginalization is found in the media. As media communications continue to expand at an incredibly rapid rate, the images they put forth spread quickly. However, if these images are stereotypical in their portrayal of certain groups, this can have incredibly detrimental consequences for those participants. While these three areas obviously have many similar and overlapping aspects, it is helpful to divide them to more thoroughly understand the implications of each area and the consequences they pose to the advancement of sport's equality for women.

III. PARTICIPATION

The first area of marginalization of women in sports is the lack of equality in participation and opportunities. In evaluating participation, we must evaluate two separate yet equally important aspects: the first is the number of women participating in sports and the second is the number of opportunities they have for participation in relation to males. While important strides in each area have been made, equality is still nonexistent.

Statistically, female participation in sports does not even come close to being equal to the amount of male participation. According to Hartmann-Tews & Pfister, in the United States, for example, "fewer than 34 percent of all college athletes are women."^{xxxviii} This lack of equality lies in the international arena as well. Despite being dubbed "the year of the woman," by Dworkin and Heywood, the 1996 Olympics in Atlanta were still overwhelmingly male dominated, as only 36 percent of the athletes were women.^{xxxix} This is remarkably frustrating given that the 1996 Olympics were incredibly successful in attracting more female participants. The Atlanta Olympics saw the inclusion of over 1,000 more female athletes than participated in Seoul in 1992.^{xl} However, if the inclusion of over 1,000 more female participants only raises the percentage of female athletes to 36%, it is clear that much remains to be done in the Olympics to remedy this. The equality of female to male participants in the 2000 Olympics in Sydney saw a small but steady increase in this percentage. While the number of male competitors remained 6,582 for both the 1996 and 2000 Olympics, the number of female participants rose from 3,779 to 4,069.^{xli} Then, in the 2004 Olympics in Athens, there were only 4,412 female athletes compared to 6,452 male athletes.^{xlii} We therefore must not disparage the degree of progress made in the Olympics, as steady movement towards equality has been achieved.

The lack of equality in participation can be partially explained by a lack of equal opportunities for women to participate in sports. In the 1996 Olympics for example, "[o]f the 271 athletic events, 165 were for men only as compared to 95 for women only; only 11 events were mixed."^{xliii} In addition, 27 nations chose not to send any women at all to the Olympics, many because of Islamic dress codes. Another prime example is the fact that the only professional sporting league for women in the United States is the Women's National Basketball Association. However, there are several large and highly successful athletic leagues for males, which receive most of the media attention. Should the male domination in

sport's continue to exist, nothing to promote the overall equality advocated in the Olympic Charter will be achieved.

IV. POSITIONS OF POWER

The second area of marginalization for women in the Olympic Movement resides in sports management. Just as the actions of businesses are influenced by the values of their leaders, global, national, and local sports organizations are also influenced by those residing in power positions of the organizations. This absence of women in sports leadership positions is a constant problem plaguing international and national sports organizations. As the forerunner of international sports committees however, the continuing male dominance of the I.O.C. is of particular concern. "Although women's participation in the Olympics and in the Olympic Movement has steadily increased during the past century, there continues to be cause for alarm in the area of leadership in the Olympic Movement."^{xliv} This is because, "the number of women in executive director and presidential positions of Olympic Movement national sport federations worldwide remained "consistently low".^{xlv} Even in sports that tend to be female dominated, it is typical for men to hold the main positions of leadership in local, national, and international federations.^{xlvi} Therefore, it is essential for true gender equity in sport that female participation in sports administration also must be guaranteed.

The dearth of female athletic leaders can have several consequences for the advancement of women's sports. First, it may discourage the necessary promotion of female sports if the sporting governance is patriarchal, manifesting bias in favor of male sports and/or athletes. If men dominate leadership positions, it can be assumed that they will be more inclined to promote the well being of male sports while also being more prone to ignore the needs of female sports. This preference for male sports is then evident in the disproportionate funding that male sports receive as compared to female sports. A patriarchal system is also more likely to disregard the achievements of female athletes, further undermining women's sports. This may also discourage women from seeking equality within sports if it is perceived as an area to which they do not belong or will not receive equal treatment. When the coaches, owners, and managers of sports associations are mostly men, it is possible that many women will be discouraged from seeking to enter this highly male dominated world. This then leads to a decrease in female participation and thus a decrease in the possibility of women assuming leadership positions. Taken together, without female equality in athletic leadership and decision-making positions, women can never truly achieve gender equality in sports.

Perhaps one of the strongest examples of this lack of equity in leadership positions can be found in the United States' collegiate athletic system. These collegiate athletic administrations "spend 24 per cent of the athletic operating budgets, 16 per cent of their recruiting budgets and 33 per cent of the scholarship budgets on female athletes."^{xlvii} In addition, "male athletes receive \$179 more in athletic scholarships each year than their female counterparts."^{xlviii} Thus, it is evident that a male dominated sports society, both in terms of participation and administration continues to thrive today. For example, despite the many advances made by female athletes in the past decades, coaching positions continue to be male dominated. Women represent less than one percent of men's teams' coaches and less than 46 percent of women's team coaches.^{xlix} In order for women to truly be equal, steps must be taken to include them in persuasive leadership positions. Only then can we be sure that female athletics are receiving the praise and support necessary for their continuation.

Despite being at least somewhat open to female participation since its inception, the International Olympic Committee only opened its doors to women in terms of leadership opportunities twenty-six years ago. Until 1981 when Flor Isara Fonesca from Venezuela and Pirjo Haggman from Finland became the first female members, the I.O.C. had only male members in its 87-year history.¹ The dominance of men on the I.O.C. is apparent in 2007 as well. In 2000, there were only ten female members of the I.O.C., accounting for a mere 10% of the body.² In addition, of the 22 commissions supported by the I.O.C., only

one had been chaired by a woman as of the year 2000.ⁱⁱⁱ As one can see, the Olympic Committee must focus more on achieving gender equity in the organization if it is to embody the Olympic ideal.

Fortunately, the International Olympic Committee is not ignoring this necessity. In response to the lack of gender equity in their organization, they have adopted an active posture by creating several programs designed to encourage women to seek sports leadership positions.ⁱⁱⁱ To this end, the I.O.C. has given several grants to assist female athletes in developing countries.^{iv} Additionally, the I.O.C. began giving awards “in recognition of outstanding contribution to the development, encouragement, and strengthening of women’s participation in sport and sport leadership” to further encourage advancement in this area.^{iv} Also, in 1997 the I.O.C. set a goal for women to occupy 20% of the decision-making positions within The goal has been somewhat successful as 30% of National Olympic Committees and 29% of International Sports Federations have achieved the 2005 goal. However, that means that many National Committees and International Federations remain overwhelmingly male dominated.

Regardless of these efforts, the Olympic Committee is unfortunately still a poor example of gender equity in athletic leadership positions. As of November 2006, there were only fourteen female I.O.C. members, comprising just 14.1% of the membership positions. Also, in the 22 commissions supported by the I.O.C., women currently hold only 34 of the 243 positions. Most disturbingly, since January 2003, there has only been one female member of the fifteen member Executive Committee.^{vi} Thus, while the intentions of the I.O.C. are nonetheless impressive, only more comprehensive action can serve to actually achieve their goal of 20% female representation. While this represents an important step forward for the I.O.C., the majority of other major sporting administrations remain heavily male dominated. However, this is indeed a step in the right direction. Similar actions are greatly warranted in almost all other sporting institutions and federations.

While the establishment of the 20% goal certainly did have a positive impact on the number of women on National Olympic Committees and International Sports Federations, there have been several negative aspects to the goals as well. These are discussed in the Institute of Sport & Leadership Policy for the International Olympic Committee, which found three main areas of limitation. The first is that the goal only affects some of the organizations associated with the Olympics. The argument presented in *Women, Leadership and the Olympic Movement* is that, “By focusing solely on NOCs [National Olympic Committees] and IFs [International Federations]...important elements of the system are ignored.”^{vii} Therefore the system must be expanded to more sporting institutions, both global and local if it ever hopes to achieve greater equality for women in sports leadership.

The second problem with the goals is that even where the targets themselves have been achieved this has not necessarily led to the adoption of policy initiatives that foster women’s participation in sport or in executive decision making.^{viii} This is of particular concern because one of the main objectives for having more women in decision-making positions is so they can help enhance women’s rights in the rest of the sporting world. If this is not being achieved even with more women in positions of power, perhaps a stronger approach is needed to create the necessary changes within society.

The third limitation of the goal is that many National Olympic Committees seem to be content with achieving the set standard, and have now turned away from the issue of women’s empowerment, feeling that they have done enough in that area.^{ix} In order to prevent this, the I.O.C. must advocate to the National Olympic Committees that the goals are merely a starting point, and that more progress should be pursued with just as much fervor as the initial goal. Perhaps instituting another goal percentage to be achieved in five years, in time for the London Olympics in 2012 for instance, would help boost motivation to achieve female equality in athletic leadership positions.

A prime example of the lack of female representation in international athletic organizations and the dominance of males in Olympic organizations can be found in the 2000 Olympics held in Sydney. After winning the bid to host the Olympics, the Sydney Organizing Committee for the Olympics began to search for someone to head the Australian Olympic Committee, or as they termed it, began searching for “Mr. Right.”^x After making a selection of applicants, the Committee was embarrassed to find that it had

excluded females entirely from the committee. To remedy this, at the last minute a woman was put on the committee.^{lxi} This example illustrates that although the “Olympics of the Women” occurred only a few years beforehand, the lessons they were meant to teach have still not been completely incorporated in key institutions. Only by ensuring that women have the opportunity to participate in both the leadership and activity roles of international athletics can the movement towards gender equality be reached.

V. THE MEDIA

The third area of marginalization is quite a different phenomenon than the other two areas in that it comes from an institution much further removed from the inner sporting arenas. At the same time the media as an institution is a necessity for sports to survive. The media is inextricably linked to the promotion and perception of sport throughout global society, as most sporting achievements are not observed first-hand but rather heard, seen, or read through the radio, newspaper, television, or the internet media. According to Hartmann-Tews & Pfister, “Sport is a powerful symbol and enactment of differences, particularly of gender differences, and sport plays an important part in the mass media.”^{lxii} Thus, the media plays perhaps the most crucial role in delivering the images of sport to society. Through their final presentations, the media can profoundly shape our images of female athletes.

These representations have profound effects on viewers. The underlying values and images delivered sometimes manifest themselves in the thoughts and actions of viewers. If Olympic viewers witness athletes of different genders, ethnicities, and nationalities being treated in markedly different ways and the same treatment is repeated in other telecasts, the ramification is that they are more likely to employ this schema in other formal and informal interactions away from the television set.^{lxiii}

This phenomenon, termed “cultivation theory” by Billings and Eastman, is central to understanding the way that watching daily telecasts of sports can shape our worldviews without us even realizing it.^{lxiv} As members in the media are able to influence the types of images that are broadcast, they become vital players in how our society perceives female athletes. Should their representations prove to be stereotypical or discriminatory, extreme concepts of gender equality will be perpetuated to the media.

Unfortunately, the presence of stereotypes about female athletes is prevalent in the media. This has been proven in several studies of both periodicals and Olympic television broadcasts. First, it is important to recognize how much more popular and acceptable female sports have become in our society. David Andrews’s discussion of the 1996 Atlanta Olympics supports this idea stating that, “As evidenced by NBC’s Olympic coverage, female athletes, and the very notion of female sport participation, are becoming more centrally located within the inventory of popular American cultural practices and experiences.”^{lxv} However, despite the overwhelming increase in popularity for female sports, this change has not been reflected by society and especially not by the media. For example, Ronald Bishop’s study on *Sports Illustrated* shows that women, in fact, received just little more coverage in 1996 than they did in 1976.^{lxvi} This indicates that despite changes in social attitudes towards sports, major media institutions such as *Sports Illustrated* have not followed change at the same rate.

One way in which the media marginalizes female athletics is by giving them significantly less media coverage than male athletics. In their study of the 2000 Sydney Olympics, Andrew Billings and Susan Tyler Eastman found that, “in terms of clock time, men had significantly greater overall coverage than women in these Olympics.”^{lxvii} Their study found that NBC’s media coverage used 53 clock hours for men compared to only 44 for women.^{lxviii} In addition, commentators mentioned male athletes more than female athletes and visual images of the athletes were mostly male.^{lxix} This in fact represented a regression from the previous Olympics in 1996, which had almost equal coverage of male and female

sports.^{lxx} As these were the 1996 “Olympics of the Women,” it is important to realize that almost equal coverage was produced. However, reverting back to a male dominated media in 2000 undermines the progress made during the previous Olympics. Such a step backwards questions the media’s intention to improve gender equality through fair representations of sports and gender.

In addition to the sizable under-representation of women in the media, the type of media coverage women athletes do receive is often demeaning and dismissive. Studies have shown that media representations often portray women as being weaker than men both physically and mentally. Another study by Billings and Eastman found that in the Sydney Olympics, “With regard to gender, women athletes were viewed as having less skill and less commitment to their sports than were men athletes. However, men athletes were evaluated by commentators as failing because of lack of concentration.”^{lxxi} Diminishing the achievements of female athletes in this manner undermines the gender equity in sports. The impact of these images are be incredibly far reaching. The media’s portrayal of weak female athletes influences how the public will view female athletes. Furthermore, media coverage tends to focus more on the physical attractiveness of women rather than their athletic abilities. This perpetuates society’s tendency to focus more on women as objects rather than their athletic capabilities. By doing so society only encourages female athletes to participate in “aesthetically pleasing” events such as gymnastics and figure skating rather than more masculine events such as weightlifting.^{lxxii} Remarkably, this was exactly the same type of argument advanced by Coubertin in his resistance of female participation in the Olympics over one hundred years ago. Additionally, the media has also chosen to use “aesthetically pleasing” images of women to promote female sports. Gina Daddario highlights several studies, which have shown that both media commentaries and written descriptions tend praise and/or focus on women in relation to their sexual desirability.^{lxxiii} Terms such as “luscious,” “sexy,” and “dark-eyed beauty” are used to describe highly capable athletes.^{lxxiv} This preoccupation with the physicality of women has several consequences. First, it diminishes the accomplishments of female athletes and demeans their participation by focusing primarily on their looks, not on their athletic endeavors. This promotes the idea that image trumps athletic ability when it comes to female athletes. These consequences create serious setbacks in terms of achieving equal representation.

In addition, not only can the media subliminally embody hierarchal societal values, but they can also be elitist themselves. Perhaps one of the best examples of this is that most of the sports media personnel are males, despite increasing female consumerism of both male and female sports. The lack of females in sports media is similar to the lack of women in sports and in all male-dominated institutions. In 1992, Hartmann-Tews & Pfister stated that “[t]he number of women sport editors was 1 per cent.”^{lxxv} This can have significantly detrimental effects on the quantity of female sports being reported as well as its quality. Indeed, “[i]f women are not reporting about women, then it is possible that women’s sports may not be reported with a women’s point of view.”^{lxxvi} This is not to say that women will always advocate for equal rights or discourage negative portrayals of female athletes. However, it does pose a significant problem to the credibility of the media if their representatives appear to be male dominated.

VI. PROBLEMS IN THE DEVELOPING WORLD

Women in the developing world face many of the same problems women in the developed world face. They enjoy less support of their participation in athletics. Throughout the developing world, little emphasis has been place on scholarly investigations into female athletics. Through such negligence, the advancement of gender equity for women in sports is even more limited. This lack of interest has resulted in fewer opportunities for female athletes in these countries. In addition, it also leads to less recognition of female athletes who are successful. This is important as it limits the exposure of female athletes to young girls who can be inspired to follow their footsteps. Additionally, many women in developing nations who do not conform to social standards by choosing to participate in athletics bear the risk of being sharply criticized or even socially ostracized.

Joseph L. Arbena outlines the many challenges facing female athletics in developing nations in his article, "In Search of the Latin American Female Athlete."^{lxvii} In his paper, Arbena discusses his futile search for any research relating to successful female athletes in Latin America and the Caribbean. Although several studies are mentioned, the overwhelming lack of information on females in sports in Latin America is Arbena's main concern. While the media and society acknowledge the successes of some female athletes, most of them are ignored. He argues that dismissing the success of female athletes not only reinforces already present social perceptions of women as being less capable than men, but it also ensures that they have no way out of their situation. Without knowledge of the activities of other female sportswomen in their area, it is almost impossible for women to initiate new, more inclusive sporting activities for themselves.

To highlight many of the problems faced by women in developing countries, I offer an overview of several nations' treatment of women's sport. Through this focused study, it is hoped that overreaching problems faced by women in sports will become apparent. The following case studies will also highlight the many different and varied approaches that have been taken towards female sports in different nations. Thus, while observing universal trends in each specific instance, it is also important to recognize that all nations do not take the same approach towards female sports. These differences should be carefully analyzed to enhance our ability to achieve universal equity in sports throughout the world.

Each of the nations analyzed below reflects the varied status of women in sports in the developing world. The first nation discussed, Tanzania, has a severely limited degree of female participation in all aspects of sports. The Czech Republic on the other hand, has surprisingly strong female participation in sports. However, while it may be equal in terms of participation, female equality in terms of government support and representation in leadership positions in the Czech Republic is remarkably low. The last nation to be discussed, Brazil, can be viewed as almost a combination of Tanzania and the Czech Republic. Although female athletes are highly successful in Brazil, they are still significantly marginalized by society. In addition, few women participate in sports in Brazil. However, Brazilian female athletes have nevertheless managed to succeed enormously in athletic competitions. By discussing each of these nations, it is evident that the status of female athletics in the developed world has many similarities, but also many profound differences. When considering policy initiatives, it is essential to keep these similarities in mind.

A. TANZANIA

The role of women in sports in Tanzania is severely limited. Due to economic, social, and political factors, women are highly marginalized in the athletic world, and little emphasis has been placed on improving this massive imbalance of inequity by the Tanzanian government. The most popular sport for women, netball, is the only sports organization that exists for women only.^{lxviii} However, even in this female only sport, the coaches are mainly men. Additionally, after the 1994 I.O.C. Resolution that all National Olympic Committees should have a women's committee, only the Tanzania Athletic Council and Cycling Associations have actually created such commissions. As is evidenced by this lack of action, the Tanzanian government has clearly not made any attempts to enhance female sports. Rather, they have chosen to ignore this area, which could potentially be incredibly instrumental in helping Tanzania's economic, political and social development.

There are many logistical constraints on female athletes in Tanzania as well. As sports are largely practiced in school systems, after leaving school, opportunities for female athletic participation are sparse.

Culturally, after leaving school most girls are expected to acquire or behave in accordance to traditional female gender roles of domestic chores rather than practicing sports activities in their free time. Structurally, there are also very few public sports

facilities outside the school or institutional environment for girls and women compared with men.^{lxxix}

Thus, women are confronted with a double set of barriers; they are expected to stay at home to perform traditional female duties such as housework, cooking and childrearing. Then, even if they do manage to find time for sports, they have almost nowhere to go to participate. This can partially be attributed to Tanzania's economic policies and privatization of athletics, which has been incredibly detrimental to female athletics. Because companies now finance sports teams and leagues, state support of sports has become severely limited, as they only provide funding for international tournaments. Such a policy of dependence on commercial sponsorships has greatly harmed amateur sports in Tanzania, especially for female amateur sports as they are not considered to be as popular as their male counterparts in the corporate world. Therefore, if gender equity in sports is ever going to occur in Tanzania, the Tanzanian government will clearly have to take a more active role in their national sports structures.

However, even with dramatic changes to the structural aspects of the Tanzanian sports system, the lack of positive association for women within athletics in Tanzania would most likely hamper the number of women who would want to participate. One of the reasons for this is the lack of female leadership in athletic organizations. According to a study by Massao, part of the reason for this lack of representation is that, "women themselves do not regard taking on leadership positions in sport as something positive."^{lxxx} Positions of power in sporting organizations in Tanzania are usually a reflection of social and economic status, areas where women are inferior to men. Thus, the women actually involved in sports organizations feel that they have no opportunity to influence the decisions being made and their presence is not that much of a significant factor in promoting gender equity. This leads women to form negative views of athletic associations in general, thereby decreasing their desire to be associated with them. According to Massao, "This discourages and prevents more girls and women from developing interest in a sports career, since not many women have achieved sufficiently in sport to act as role models for the younger generation."^{lxxxi} Unless some sort of government action is taken, female athletics will never exist in Tanzania to any substantial extent.

Along with a patriarchal society which is generally hostile to the idea of female activity in athletics. Women therefore face a truly daunting challenge in the quest for equality in Tanzania. Indeed, each problem area seems to compound the others into a hopeless black hole. Massao suggests that "Both traditions and the lack of a supportive sport system contribute to the problem, which may continue to make the implementation of sports development policy of Tanzania difficult."^{lxxxii} With such a massive and entrenched tradition against female sports in Tanzania, it is unlikely that great strides will be made in the near future.

B. CZECH REPUBLIC

In contrast to the situation of women in Tanzania discussed above, female athletic participation in the Czech Republic has a surprisingly strong track record. Beginning in the mid-nineteenth century, organizations supporting women in sports and female participation have thrived in the Czech Republic. . According to Ludmila Fialova, in 1863, the The establishment in 1863 of a sports institution for women, along with the establishment of the Sports Club for Women and Girls in 1869, reflects the open encouragement of female athletics that can be found in the Czech Republic.^{lxxxiii} Women then achieved equal voting rights with men in the Sokol, a Czech gymnastics organization, soon after the end of World War I.^{lxxxiv} Perhaps due to this historically inclusive attitude towards female athletic participation, "Czech society does not perceive the necessity of establishing any special institutions for resolving the situation of women."^{lxxxv}

However, this does not mean that inequities do not exist within Czech sporting society. Due to the heavy burden of family caretaking that women must bear, they often do not have as much time or

desire as men to practice athletics. Additionally, Ludmila Fialova “[m]anagement and decision-making positions are in male hands.”^{ixxxvi} This is quite intriguing, as it does not at all correspond to the relatively high rate of female participation within Czech sports. Even more interestingly, the Working Group on Women and Sport in the Czech Republic failed to cite this massive exclusion of women from decision-making positions as a problem. As such, they have unfortunately taken no measures to remedy the situation.

Also, regardless of the relative equality for women found in the sporting world, women remain marginalized in other major societal aspects. For example, despite working just as much as men, they earn significantly less. This creates fewer opportunities for them to participate in sports as they must focus more on earning. Thus while the situation for women within the Czech Republic is inspiring, it is clear that they still have a long way to go before achieving true equality.

C. BRAZIL

The situation of women in Brazil in terms of athletic involvement is similar to that of Tanzania. There is little or no government support for sporting opportunities for women. According to authors Ludmila Mourao and Sebastiao Votre:

In the everyday lives of Brazilian women, physical activities and sport are far from being their routine. Ironically, the emancipatory movement which brought women into the workplace also led to them being burdened with new tasks without alleviating them from the traditional ones.^{ixxxvii}

In line with these new economic burdens facing women, the main way for children to become involved in sports in Brazil is to join a club, which involves an economic strain that is usually out of the question for most low-income families. Therefore, not only does society discourage most women from playing sports, high costs prevent those who are still interested from participating. In addition to the economic obstacles in the path of female athletics, designated areas for female athletic participation are scarce. Males dominate the fields meant for sporting purposes, leaving women little, if any, opportunity for athletic endeavors.

Despite facing such discrimination against them, female athletes have been highly successful in international sporting competitions. In fact, they have achieved relatively equal representation compared Brazilian men at the Olympic level. Mourao and Votre suggested that in the 2000 Olympics in Sydney, 94 of the 204 Brazilian athletes were women.^{ixxxviii} This is a significant achievement in that it is 8% higher than the overall male to female ratio at the 2000 Olympics. Hopefully, the achievements of female athletes on the international level can become a motivating factor for both the Brazilian government and women throughout Brazilian society to participate in and support female athletics.

Despite this high level of success on the international level, women do not receive nearly enough to nourish their athletic endeavors, especially when compared to men. As a result, “[m]any women athletes, with excellent sports performances, decide to abandon sport or leave Brazil to play in foreign countries... They do so to continue playing and improving under better conditions than they could have in Brazil.”^{ixxxix} Brazilian women are also excluded from bureaucratic areas of sport. Women coaches, board members, or directors of sporting institutions are rare. Many women are discouraged from sports because of traditional patriarchal social systems in Brazilian culture. Thus, women and young girls receive no encouragement to participate in athletics from the government or from sporting institutions.

In light of the substantial lack of support for female athletics by the Brazilian government, as well as the marginalization of women in Brazilian society, the achievements of Brazilian female athletes are to be commended. Unfortunately, despite the successes of female athletes in Brazil, each generation of women continue to face similar obstacles in terms of athletics. However, with the high number of women

succeeding in athletics, if Brazil can create a more positive governmental and organizational approach to women's sports, it seems that this would only enhance the accomplishments Brazilian female athletes have already achieved internationally.

VII. IRAN AND THE MUSLIM WOMEN'S OLYMPICS

As an Islamic nation, Iran serves as a unique example of a significantly different cultural approach to women's athletics. During the 1960s and 1970s, several Iranian women participated in the Olympics. However, since the overthrow of the Shah, the implementation of Islamic (*sharia*) law in Iran has greatly limited the political, economic, and social rights of women. Marginalized and excluded by much of society, women must wear the *hijab* outside the home, which completely covers their bodies and heads. This dress code is a significantly limiting factor for female sport participation. Without freedom of movement, women face quite a fundamental problem to athletic activity. Despite this covering of the female body, it is important here to stress that Islam by no means prohibits physical activity for women.. In fact, "It was repeatedly pointed out...that in various sayings of the Hadith, Mohammed had advocated living a healthy life and had recommended running, horse-riding, swimming and archery."^{xc} However, many (especially in Western nations) perceive the idea of women's sport and Islam to be incompatible. This is based on a cultural misunderstanding and will hopefully be remedied through further discussion.

Most of the barriers to women in terms of athletic involvement in Iran come from social pressure to refrain from physical activity rather than Islamic law. A woman's honor, virginity and femininity are stressed as being the main values desired in a future wife. Many in Muslim society currently believe that these values are incompatible with female athletic participation. Thus, women are never really encouraged to engage in sports, as it could lead to them becoming more masculine or cause an injury to their "hymen".^{xc} In addition, sporting society is not considered to be a beneficial environment for Iranian women. Until 1997, women were banned from observing men's sporting events at all, and during the World Cup in 2001 women could not even watch the event in the stadium.^{xcii}

Due to these social constraints, women in Iran have only two ways to enjoy sports: They can either participate in sports publicly while wearing the *hijab*, or they can participate in sports privately, either in the home or in special clubs and buildings designated specifically for that purpose. As for the first option, the wearing of the *hijab* greatly restricts mobility and thus limits the scope of activities that can be pursued. However, many activities, although difficult, can be performed if desired. Unfortunately, many social conservatives in Iran feel that often times even wearing the *hijab* during activity does not hide the female body enough.^{xciii} As to the second option, while private participation gives women more choices in terms of what sports to practice, their constrained nature make them more recreational in nature. Thus, it precludes any form of international competition for Iranian women in athletics. Additionally, the clubs that offer such areas for Iranian women's participation in sport are only accessible to those who are economically affluent, thereby excluding most of the female population.

Women have been allowed to participate in some forms of competition however. In the shooting event in 1996, "Lida Fariman was the first Iranian woman allowed to compete in the Olympics after the Revolution."^{xciv} Additionally, four female soccer teams were formed in 1998, and a national championship game was conducted in an all- female setting.^{xcv} However, this has not quenched Iranian women's desires for international competition. As such, the Islamic Women's Olympics or Muslim Women's Olympics were established and have taken place in 1993, 1997, 2001 and 2005. During the Olympics, men are completely banned from the arenas and women compete in sports attire. As the Olympics progressed, more and more Muslim women arrived to compete. The number of competitors has risen to over 600 in the 2001 Olympics, and includes Muslim women from Afghanistan and the United Kingdom.

However, the Olympics have not been without criticism. Many feel that the Olympics only further marginalize female sports, as they are conducted completely separate from men and open society. Additionally, they rarely receive any media attention, and there is a considerable lack of spectators. Still,

the Islamic Women's Olympics provides a unique opportunity for Muslim women to compete without fear of male encroachment or societal criticism, and is highly important to the quest for female equality in the sporting world. As Muslim society currently frowns upon relaxing its social code, women must seize this opportunity to thrive in a separate environment. Perhaps by encouraging more governmental support for female sports in Muslim countries with the goal being performing well in the Islamic Women's Olympics, women can prove the significance of their potential athletic contributions. This would also provide a basis for the development of women's sports programs in other Muslim countries that currently do not have any. Then, perhaps in the future, support for integrating Muslim female athletes more completely within the Olympic movement can be achieved.

VIII. COMMUNIST COUNTRIES

It is necessary here to address the distinctive case of female athletes in communist societies. With the incredible number of amazing female athletes who have come from these nations, as well as their unique national approach to female athletics, not to address them as a specific group would be to ignore the achievements they have made and would also undermine the international scope of this study. As evidenced by the countless great athletes produced by the Soviet Union, Cuba, and now more increasingly and China as well, problems of gender equity in sports seem to almost disappear in these nations. However, upon closer examination, the advancement of women's athletics by these nations is much less equal and far less oriented around the health of their female citizens than governments proclaim. Instead, female sports are used as political tools to indicate the extent of their international power. Therefore, we must carefully weigh the success of these nations in their apparent gender equity in sport against the motivations for their actions.

While these nations have created greater access to and participation in women's athletics, it is still not equal in terms of gender. In fact, despite their stressing of universal equality, sports in these nations are also marred by social and cultural restrictions. In Cuba, for example, while more women are competing in sports now than ever before, men continue to be the majority of participants. According to Arbena's article, this is due to several factors. The first is that the most popular sports in Cuba are those that exclude women. This is especially apparent away from the athletes who are meant to compete internationally. In more typical everyday settings, men habitually dominate the athletic arena while women remain outsiders. According to Arbena, Economic conditions also are a factor as, "Cuban women, like those in other societies, found limited time for sports, after working, caring for husbands and children, doing housework, and waiting in lines for rationed goods."^{xvii} Thus, sports for women, even in revolutionary nations, are hampered by the persistence of social norms and barriers. As Arbena states, "While race, class, gender, or age is no longer a formal obstacle to sports participation at any level in Cuba, it is obvious that some problems persist due to uneven resource allocation and lingering social attitudes."^{xviii} While it is important to keep this inequality in mind, it is also helpful to delve deeper into communist sporting institutions to better understand how this inequality can exist simultaneously with many highly successful female athletes.

A. THE PEOPLE'S REPUBLIC OF CHINA

Before analyzing women's sport in China, I would like to first explain the reasons behind this more lengthy section. First, as the largest nation in the world and also as a communist nation, the advancement of women in such a setting is a truly significant issue. Secondly, as China will be hosting the 2008 Olympic Olympics in Beijing, it is appropriate to take a more focused look into the history of women's sport in China. Also, as China is the largest remaining communist nation, the unique approach to women's sport taken by communist governments can be examined through the Chinese Communist Party and their various policies in that area. For these reasons, this focus on China should not indicate

that it is more important than other nations for the advancement of women in sports. Rather, it provides a unique opportunity to look critically towards the future sports policy of an emerging superpower.

The rapid advancement women in China have made in part of the 20th century was truly extraordinary. Before the Communist Revolution, women were subordinate to the men in their lives. Additionally, the practice of foot binding severely limited any amount of physical activity women could undertake. Beginning between the ages of four and six, girls would have their toes and arches broken, bent back under the foot, and bound with cloth.^{xcviii} This incredibly painful process would last for several years, resulting in feet that were only three or four inches long.^{xcix} Although it began as an upper class tradition, many in the middle and lower classes soon followed suit in an attempt to better their social position.^c Women lucky enough not to be subject to foot binding were often of lower social classes, and thus usually worked the fields as peasants, without any opportunity whatsoever for enjoyment of athletics.^{ci}

However, when the Chinese Communist Party took over in October 1949, the status of women took a dramatic turn for the better.^{cii} Based on their socialist beliefs of equality, the communists took it upon themselves to make women equal to men in their society. According to author Fan Hong, "In Communist China, women's bodies were liberated from the feudal practice of foot binding and from constraints of Confucianism; instead they were appropriated as a political symbol for the Party and the nation."^{ciii} The rights of women thus became a vehicle through which the Communist Party could advance its agenda.

The concerns with gender equity also extended into the realm of sports. In 1950, the All China Sports Federation Chairman declared, "Chinese sport should involve young and old, men and women."^{civ} However, the goal of this physical training at that time was not so that women might participate competitively; rather, physical training of women's bodies was meant to socialize them to become workers and thus to help advance the economy.^{cv} Therefore from the very beginning of the communist system, it was clear that women's rights, and especially women's sports, were to be blatantly used as a political tool.

While these policies did provide a base for the future success of female athletes, the reasoning behind the communist government's motivations is extremely flawed. If the advancement of sport is used as anything other than something to enhance the lives of women and provide them with equal opportunities to men, it must be greatly scrutinized. Stressing sport as a political tool or symbol of power can lead to a very slippery slope, where athletes are not seen as human beings, but rather as slaves to their talent. In these types of systems, athletes may be taken from their families at a young age and forced to train for hours and hours everyday. This blatant violation of human rights is in no way compensated for by the fact that women may become more equal to men through such means. Rather, the overall wellness of the athlete must be considered at all times.

The politicizing of female athletes continued through the Great Leap Forward. In alignment with the economic goals of China to catch up with the rest of the world, the Sports Ministry began the Sports Great Leap Forward in 1957. Hong states "Its ambition was to catch up with the world's best competitive sports countries in ten years."^{cv} To achieve this goal, the Chinese focused on developing both elite sports as well as sports for the masses. However, this ultimately failed and in 1961 the Sports Ministry decided to focus all of its resources on training elite athletes.^{cvii} In addition, according to Hong, they specifically turned to the issue of women in sport.

The reasons for the emphasis on development of female elite athletes were, first, there was potential to develop women's sport so that the whole standard of Chinese competitive sport could be improved, and second, it would be evidence of gender equality in the New China.^{cviii}

Once again women's sport was seen as a way to maneuver politically to gain respect and legitimacy from the rest of the world.

The campaign was highly successful. Between 1961 and 1965 Chinese women won three world championships and broke 40 world records.^{cxix} This achievement was celebrated throughout the nation. Female athletes, "became icons of women's liberation and symbols of gender equality."^{cx} However, once again this advancement was not meant for the benefit of female well-being. Rather, Fong suggests that "this equality was defined by the state's political interest. Female athletes were treated as instrumental to political solidarity."^{cxii} While female athletes were valued in society, it was their symbolic value of success and superiority that was being cultivated and supported, not their own well being.

The promotion of mass sports for women in China returned with the Cultural Revolution. Fong asserts that "In line with the new ideological emphasis on women's emancipation, local and national government and sports bodies provided equal opportunities, in terms of finance, coaching and training, to young girls who had sports talent and a worker-peasant-soldier background."^{cxiii} Women, especially those in traditionally lower social classes, were recruited throughout the nation to join athletic programs. With this vast amount of training and dedication, the Chinese government produced a strong group of internationally phenomenal female athletes. In fact, during the Third National Olympics in 1975, women received most of the media coverage and were portrayed as national heroines for their talent and for overcoming adversity.^{cxiiii} It appears that through the Cultural Revolution, the motivations of the Chinese Communist Party may have been more genuine in their quest for gender equity. The Party made an intensive effort to "An intensive effort by the Party to eliminate men's privileged status and establish full cultural, social, legal and economic equality for women by the 1970s. This produced considerable progress in women's sport and women's emancipation."^{cxv} This was a significant step for the Chinese government in achieving genuinely motivated gender equity in sport.

Fan Hong emphasizes the importance of female success in sports during the Cultural Revolution. He argues that due to the high level of female success in sports, women, "successfully confronted traditional beliefs about women's physical and psychological abilities."^{cxvi} Thus, while the advancement of women's sports was by this time several decades old, Hong argues that it was only truly embraced by the Chinese government and society during the Cultural Revolution. In addition, he argues that without such success, women would have lost their opportunity for equality, not just in the sporting world, but in the rest of society as well.

If the data are correct, this line of reasoning is troubling. If the only goal of developing women's sport was merely to see if they could be successful, it was almost as if the government was forcing an ultimatum on female athletes, namely: perform well or don't perform at all. This logic completely disregards the benefits society as a whole receives for the development of female sport, regardless of how female athletic competition stacks up internationally. Rather it is the process, opportunities and experiences that are imperative for female athletes. Winning is enjoyable, but not everyone can win. However, everyone can enjoy the activity and try to perform to the best of their ability. That is the main motivation behind the need for gender equity in sport; not to prove a political point, but to elevate the status of women, who have been marginalized throughout the world for far too long.

The dangers of this reasoning can be found in the massive violations of human rights that Chinese athletes have experienced, specifically women who have been successful. A shocking example of such treatment is shown by the situation of long distance runners being coached by Ma Junren in the 1990s.^{cxvii} While known for the high success of his athletes, Ma Junren's tactics were less than admirable. He forced his athletes to run almost a marathon everyday and consistently subjected them to verbal and physical abuse.^{cxviii} With knowledge of these tactics, the Chinese government did not punish or reprimand Ma Junren at all but instead promoted him for the medals his athletes had won. Human rights violations of this nature are the very opposite of what promoting female athletics is supposed to achieve. The Chinese government has chosen winning rather than bettering the physical and mental health of its female population.

The consequences of the Chinese government's myopic focus on winning are reflected by the status of athletics today. While the Chinese women have been highly successful on an international level, oftentimes dominating Chinese men in terms of Olympic participation and medal winning, that success has not come without sacrifices. Fong claims that "The ambitions of the government, the medal craze of the nation and the rewards available to athletes have placed officials, coaches and athletes under enormous pressure and have made drug use almost irresistible."^{cxviii} Between 1992 and 2002, twenty-three female Chinese swimmers tested positive for anabolic steroid use.^{cxix} Far from advancing the status of women, this has made the international community lose respect for Chinese athletes in general, and has caused outrage amongst the Chinese population.

The use of steroids by female athletes in China is not an isolated event. Widespread use of anabolic steroids in former communist nations such as East Germany was highly suspected between the 1960s and 1980s although never proved. In 1991, a group of 20 former East German swim coaches admitted that steroid use was "a critical part of the training programs for the country's elite athletes."^{cxix} This steroid use occurred during a "golden period" in East German swimming when world records were smashed and the East Germans dominated international competition.^{cxxi} Similar to China, the use of steroids in East Germany was to bring acclaim to their nation, while blatantly disregarding the health of their athletes. It must be emphasized here that steroid use has become a widespread problem and is not confined to communist nations. However, the systematic use of steroids by communist nations, as well as the motivations behind their steroid use are unique and pose significant problems to the well-being of female athletes in these nations.

Chinese female athletes also are substantially less supported by the government than their male counterparts. While elite female athlete funding is over 14,000 yuan an year, the Chinese government continues to ignore the promotion of sport for all its female citizens, as they focus only on the elites and not on the rest of the population.^{cxvii} Also, professional female athletes also continue to be paid far less than their male counterparts. Despite their overwhelming success at the World Cup and the Asian Olympics, female soccer players receive only 1,000 yuan a month while male football players receive 160,000 yuan a month.^{cxviii} Athletic coaches also continue to be dominated by males in China as well.

Thus, despite the rhetoric of gender equality, China faces many of the same if not worse problems than other nations. As the Beijing Olympics of 2008 draw close, it will be interesting to see the steps taken by the Chinese government in regards to this issue. No doubt while trying to portray itself as equal in its sports culture, the scandals and truths of violations of women's rights, massive inequalities, and drug use may in fact come to the forefront of international media attention. Should this occur, let us hope that the Chinese government looks critically at its overall sports system and is encouraged to make some serious revisions to policies.

IX. MODEL LAWS AND MOBILIZING NGOS

As we have seen, the situation of gender equity in sport continues to be far from what is desirable. The discussion of different national policies has revealed that none of has yet achieved true equality. Therefore, one must now consider how this goal can be achieved. Several key steps have already been taken in the area of gender equity in sports, but much more needs to be done. For instance, Title IX in the United States has become a powerful tool in increasing female participation in collegiate sports, and therefore in female sports throughout American society. Also, the work of many non-governmental organizations in the world has been extremely effective in providing women access to athletics. After acknowledging these accomplishments however, we must not be satisfied with their inadequate results, but rather find new ways to promote equality for women in sports. Only through perseverance can women ever fully enjoy the many benefits that sports participation can give.

Title IX is perhaps the most important step towards promoting gender equity any individual nation has ever pursued. Passed by in the United States by Congress in 1972, Title IX states that, "no

person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”^{cxxiv} This law was the extension of the civil rights movement and the women’s rights movement into the area of education. The Civil Rights Act of 1964 and Executive Order 11246 both restricted discrimination based on race, color, sex, religion or national origin in the area of employment.^{cxxv} This was then extended to the area of education in 1967 through Executive Order 11375.^{cxxvi} In 1970, Representative Edith Green drafted legislation that would prohibit sex discrimination in education in higher education.^{cxxvii} After being passed by Congress in 1972 with little opposition, the Department of Health, Education, and Welfare spent three years translating Title IX into legal stipulations.^{cxxviii} When educational institutions realized they would have to provide equal funding for male and female athletics as a result of Title IX, massive protests began.^{cxxix} Opponents argued that Title IX would unjustly harm male athletics if it was ever enforced. However, the Supreme Court upheld Title IX legislation in the 1992 case of *Franklin v. Gwinnet County Public Schools et al.* and made it clear that non-compliance could result in serious consequences.^{xxx} This controversy over the impact Title IX has on male athletics continues in the 21st century.

Despite this continued controversy, the benefits provided by Title IX have been extraordinary. Along with other educational equality reforms, women now earn 57 percent of the bachelor’s degrees received in the nation as opposed to only 44 percent before the passage of Title IX.^{xxxi} Additionally, sport participation for women in high school athletics has increased by over 847 percent since before Title IX to 2.7 million participants.^{xxxii} Title IX’s insistence that collegiate athletics be equally accessible and equally funded for men and women has made it a ground breaking initiative.

Unfortunately, the benefits of Title IX can be also be overshadowed by several persistent inequities as well as the development of new areas of marginalization for women. As Title IX has led to the merging of athletic administrations, women now find themselves excluded from any decision making power within the NCAA. “Whereas formerly there were separate sports organizations for women and men and women had a leadership role, today these organizations have merged.”^{xxxiii} As a result of the merging of these previously separated organizations, “men have taken over the leadership positions.”^{xxxiv} Considering this development, Title IX must be praised for its successes but also criticized for its institutionalization of male dominance in leadership and organizational positions. We must continue to fight for complete gender equity in terms of participation through Title IX and also look towards new methods of achieving equal parity in collegiate athletic organizations.

Given the high rate of success Title IX has had in the United States, using similar legislation in other countries may also yield positive results. Although the law is aimed at educational systems in the U.S., it could be easily translated to areas of sports management in other nations. Most nations do not have a system of collegiate athletics like that of the U.S., however, they do usually have strong sports federations where a law comparable to Title IX could be implemented. However, if such a law is to be enforced and therefore realized, the government must be highly dedicated to its success. If enforced, it is probable that there will be a backlash by sports organizations like the one that occurred in the U.S. Only by ensuring that the measure is enforced could such a law be effective in this type of environment.

There are hundreds of non-governmental organizations throughout the world that are striving to promote gender equity in sport throughout the world. While it is impossible to provide a detailed overview of these groups, it is important to recognize their achievements in the quest for gender equity in sports. When the actions of these groups are considered, it is clear that in many cases, they are the only thing providing much of the world’s women with athletic opportunities. Thus, it is essential that these actions continue to thrive and expand in the pursuit of gender equity in sport.^{xxxv}

X. POSSIBLE SOLUTIONS

Considering the actions of NGOs, as well as legislation such as Title IX, we can critically identify what more needs to be done in the area of gender equity, as well as being able to consider which actions are effective. Through these considerations, several possible suggestions for improvement can be drawn. Although these should not be considered solutions in amongst themselves, each may contribute to the enhancement of female participation in sport. However, while these suggestions may remedy the inferior status of female athletes in the world, female athletics deserve greater support. While the media can contribute to this change, unless society drastically changes its views soon, it will clearly that given the current rate of improvement, it will take many years to ever fully achieve gender equality in sports.

One possible way to advance gender equity in athletics throughout the world is through promoting similar legislation to Title IX in other countries. This could be achieved internationally by enforcing such a law through the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) which entered into force on September 3, 1981.^{cxxxvi} Article 10 of the Convention states that, "States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education".^{cxxxvii} This is in fact very similar to the wording of Title IX. Therefore the international community should explore the possibility of enforcing this policy of non-discrimination in the field of athletics.

By insisting upon sporting equality, governments may be able to influence the core values of younger generations in regards to equal female participation in athletics. This would then be reflected in future attitudes and approaches to sport taken by both men and women in those nations. In addition, similar legislation would make it necessary for the government, as well as sporting institutions to equally support men's and women's athletics. NGOs can also provide an increase in participation through their continual efforts in this area. If NGOs can influence the core values of society regarding women's athletics, as well as enhance the desire for girls and women to participate in sport, they may also create national movements for more opportunities for female athletics. Through these new opportunities, more women will compete as they now may finally have the chance to play.

The second proposal is to create equal sporting event opportunities for women in the international sphere. Such opportunities would include the Olympic and other major international sport competitions. Equal opportunities on an international level would again be somewhat similar to Title IX passed in the United States. Such policies are perhaps the only way to ensure the eventual relative equality of male and female international sports. In addition, such a policy may encourage nations that currently do not allow women to compete to change their policies. While such a policy may be met with considerable resistance by the international community, it is nevertheless a step worth taking in the pursuit of overall gender equality. The inclusion of women in sport could then carry over into other areas of life and promote global gender equality.

It is vital for the international community to insist that women in athletics in Islamic nations have a chance to compete in international events. Participation in the Islamic Women's Olympics, while not entirely free and equal, is an intermediate step towards promoting gender equity in Muslim nations. Therefore, despite the objections many may have about constraining female athletes in this environment, it must be supported as it is currently the only substantial environment where Muslim women can participate in competitive sports. However, this should not be taken as a permanent solution to the problem of female athletics in Muslim nations but rather only seen as a temporary alleviation until a more comprehensive solution can be established. In searching for this solution, it is essential that the international community engage in cross-cultural talks with the governments of these nations as well as female athletes who reside in them. Only through increased mutual understanding can an effective solution be reached.

Another area the entire world can improve upon is in the area of female positions of leadership in sporting institutions. If the I.O.C. were to set another goal percentage of how many women should

occupy seats on National Olympic Committees and International Sports Federations to be achieved by 2012, this would ensure the inclusion of women in this relatively unacknowledged area of discrimination. Although quotas are not the most desirable solution for this problem, it is evident that without this goal, motivation to include more women in sports leadership positions is mediocre at best. As the setting of quotas was quite effective previously, it is hoped that they could succeed again.

We must also ensure that media representations of female athletes become more equal to those of men. This must be achieved both in terms of the quantity and quality of the coverage. Perhaps even more notably, female athletes must be respected as athletes rather than being objectified as women. We must establish in our society the appreciation of a female athlete for her talent rather than for her appearance. By pressuring media institutions, governments as well as international organizations and even individuals can have a profound impact on this area of marginalization.

When considering these suggestions for the promotion of women's sport however, it is essential to keep in mind the motivations behind such actions. As illustrated by the situation of women's athletics in China, when a nation is only motivated to promote gender equity in sports to achieve political victories, it must be sharply criticized.

The goal of all these concerted actions is to promote the overall wellness of women throughout the world through athletic participation. CEDAW specifically references the necessity to fully develop women's rights in Article 3.

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.^{xxxviii}

Sports form a significant part of overall women's advancement. Although much of this study has focused bringing more female athletes to international competitions, it must be stressed that sports should be implemented first and foremost for the development of girls and women. Should we lose sight of this, we potentially expose female athletes to human rights abuses as evidenced by the medal craze in China. Therefore sports equity must be pursued both internationally and locally to benefit the entire female population.

XI. CONCLUSION

Only through the combination of these measures can the world hope to achieve the equality in participation and opportunity that sports can offer. While the many actions necessary to create gender equity in the world may seem overwhelming, the main action plan can easily be simplified. It is apparent that neither national nor international action alone will help solve the problem of continuing gender disparity in sports. Therefore, it is essential that both individual nations as well as international bodies take drastic steps to combat this problem. Only through this dual approach can women ever truly enjoy the benefits of sports on equal terms with men.

This combination of domestic and international policies relating to the promotion of equal participation in sports could produce incredibly significant results. As has been demonstrated around the world, when opportunities finally arrive for women to participate in sports, they flock to them. Thus, by continuing to expand the possibilities for women to participate, equality will only increase. It is my hope that these actions will not only increase gender equality in sports, but also in everyday life. Therefore, sporting equality is not only necessary so that women can play, but rather it is clearly necessary because it can encourage the promotion and empowerment of the largest repressed group in the world: women.

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- ¹²⁰ Michael Janofsky (Dec. 3, 1991). "Olympics; Coaches Concede that Steroids Fueled East Germany's Success in Swimming." The New York Times. Online edition: <http://query.nytimes.com/gst/fullpage.html?res=9D0CE1DA1731F930A35751C1A967958260&sec=health&spon=&pagewanted=1> Accessed May 11, 2007.
- ¹²¹ Ibid.
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¹²⁴ Rita J. Simon (Ed.) (2005). Sporting Equality: Title IX Thirty Years Later. New Brunswick, NJ: Transaction Publishers. p. 3.

¹²⁵ Iram Valentin (Aug. 1997). "Title IX: A Brief History." Women's Educational Equity Act (WEEA) Resource Center. p. 1.

¹²⁶ Ibid., p. 2.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Ibid., p. 4.

¹³⁰ Ibid., p. 5.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Costa, p. 145.

¹³⁴ Ibid.

¹³⁵ There are many organizations dedicated to advancing women's rights in the area of sports. Some of the key one's include the Women's Sports Foundation, Women's Sport International, the International Association of Physical Education and Sports for Girls and Women, and the Women in Sports Careers Foundation. A list of organizations both regional and international can be found on the website for the International Working Group on Women and Sport at <http://www.iwg-gti.org/e/link.htm>. Although not directly targeting women in sports, there are also many NGOs that focus on using sports for development which also may benefit female athletes. A list of these organizations can be found on the website for the International Platform for Sport and Development at <http://www.sportanddev.org/en/organisations/ngos/index.htm>.

¹³⁶ "Short History of the CEDAW Convention." Division of the Advancement of Women Department of Economic and Social Affairs. Accessed May 11, 2007. <http://www.un.org/womenwatch/daw/cedaw/history/htm>.

¹³⁷ Convention on the Elimination of All Forms of Discrimination against Women. Accessed May 11, 2007. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

THE UNIVERSITY OF
SOUTHERN CALIFORNIA
JOURNAL OF LAW AND SOCIETY

Volume IV

Spring 2009

Issue 2

CIVIL LIBERTIES AND THE ONLINE
REGULATION OF SEX

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I. INTRODUCTION.....34
 II. A BRIEF HISTORY OF THE INTERNET.....35
 III. CHILD PORNOGRAPHY.....36
 IV. ADULT PORNOGRAPHY.....38
 V. CLOSING STATEMENT.....39

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I. INTRODUCTION

Advances in digital technology, fiber optics, the Internet, satellites, and transportation have effectively leveled the economic barriers between countries and continents. Pools of capital seek the best returns with trillions of dollars moving across borders in the touch of a few keystrokes. The collapse of the Soviet Union, the institution of market-based reforms in India and China, the lowering of trade barriers, and the advent of big-box retailers like Wal-Mart have brought several billion people into direct competition with American companies and American workers. Whether or not the world is already flat, as columnist and author Thomas Friedman says, it is certainly getting flatter with the passing of time.

There's no doubt that globalization has brought significant benefits to American consumers. It has lowered prices on goods once considered luxuries, from big screen televisions to peaches in winter, and increased the purchasing power of low-income Americans. It has helped keep inflation in check, boosted returns for millions of Americans now invested in the stock market, provided new markets for U.S. goods and services, and allowed countries like China and India to dramatically reduce poverty, which over the long term makes for a more stable world.

But there is also no denying that globalization has greatly increased economic instability for millions of ordinary Americans. To stay competitive and keep investors happy in the global marketplace, U.S.-based companies have automated, downsized, outsourced, and off shored. They have held the line of wage increases, and replaced defined-benefit health and retirement plans with 401(k)s and Health Savings Accounts that shift more cost and risk onto workers.

America's shift into a global economy and marketplace has not only impacted economic policy, it has had immense repercussions on most other laws passed during this time due the interconnected nature of economics, public policy, and a global arena. Laws on sex—from personal, intimate relationships to sexually charged images and suggestive lyrics—have been no exception. Modern technology facilitates the use of sex for economic gain; this is evident in advertisements and most broadcast media. Additionally, the restrictions on advertisements and media are comparatively lax in the United States due to its history of individual liberty, freedom of expression, and its free market ideology.

While globalization will impact all nations, the United States' background makes this issue is of particular interest. The challenge of regulating sex may prove to be more complex for the United States since it must protect all rights guaranteed in the Bill of Rights as well as those expected by the American people, such as privacy.

In the early eighteenth century, sex was only regulated in the public sphere. Vice was thought to be infectious, and keeping it private limited its effect. If this "out of sight, out of mind" mentality still exists, it will be confronted with a time which aims to increase publicity. Much of the technology that has been borne out of the global economy and market – internet, satellites, fiber optics, advertisements – is meant to easily reach millions and increase public access across great distances. The Internet, specifically, will prove to be one of the largest hurdles for United States legislators since it is a truly global medium. This paper will provide an overview of the Internet's founding and its establishment as a staple in everyday American life. Furthermore, child pornography laws, restrictions on adult pornography, and censorship of online pornography are some of the new issues that will have to be dealt with on a continual basis as a result of the ebb and flow of attitudes toward the Internet. These topics will be analyzed individually coupled with their relationship and impact on individual liberties. Current statutes dealing with the aforementioned issues will also be analyzed and compared to early, Puritan attitudes and laws on similar topics.

Economics have played an integral role in the pace of globalization and thereby an important role in the lasting effects of laws in nations that are forced to adapt to the changes in economy and global markets. One of the pivotal subjects that will have to be addressed is the topic of sex, specifically across the global expanse of the Internet and its proliferation in broadcast media and the public arena. How the United States approaches this obstacle must be cautious and in such way that compromises individual liberty with its strong Puritan, moral roots.

II. A BRIEF HISTORY OF THE INTERNET

The World Wide Web provides millions, if not billions, of people with vast amounts of information at near instantaneous speeds—it has been the catalyst that has ushered in the Information Age. Electronic mailing, online research, instant messaging, are a few of the many services available through the internet that have become staples

in the world of most businesses and professions, student life, as well as family life. It seems that the perception of most Americans, and thereby one of the largest groups of people to use the internet, is one that views the evolution of the Digital Age to have occurred rapidly and recently, beginning the late 1980's to the present.

The roots of the Internet, however, date back much longer—to the late 1950's and the height of the Cold War. As nuclear confrontation seemed to become more imminent, in 1962 Paul Baran, of the RAND Corporation (a government agency), was commissioned by the United States Air Force to do a study on how it could maintain its command and control over its missiles and bombers, in the aftermath of a nuclear attack. Baran designed a military research network that could survive a nuclear strike by being completely decentralized so that if any military outposts, bases, locations, or cities in the United States were attacked, the military would still be able to have control of nuclear arms and thus be armed and ready to launch a counter-attack. Baran's final proposal was a packet switched network:

Packet switching is the breaking down of data into datagram's or packets that are labeled to indicate the origin and the destination of the information and the forwarding of these packets from one computer to another computer until the information arrives at its final destination computer. This was crucial to the realization of a computer network. If packets are lost at any given point, the message can be resent by the originator¹

The physical construction of Baran's network was conducted in 1969 and, soon after its completion, the first e-mail program was created in 1972.¹ In 1973, the technology employed in Baran's military network was opened and utilized in the creation of the TCP/IP program which currently exists and allows interconnecting computer networks to communicate and transfer data with one another¹. And thus, the internet as people have presently come to know it came into being—as a product of military technology meant to facilitate the protection of America from Soviet nuclear attack.

The obscurity behind its long history has had no impact on the proliferation of the internet in the modern day. Despite not knowing the reasons behind the invention of e-mail or instant networking, the majority of Americans use these services freely and often as tools, initially of convenience, and now of necessity. Students down to the elementary level are now being required to have their papers, reports, and essays typed and formatted to the teachers expectations; presentations are seldom taken seriously if not in some sort of computerized, visual fashion; businessmen are able to take their work across international boundaries and learn of changes in the economy or their company split seconds after they happen with mobile devices such as laptop computers or capable cellular phones; doctors and nurses are better equipped to monitor the status of their patients via internet technology and computerization. The progression of internet based technology entering most facets of daily life is something that had been evolving and advancing for decades before it is generally believed that the explosion of computer technology occurred. It was not a boom at the beginning of the 1990's but rather a gradual process stemming from the late 1950's.

III. CHILD PORNOGRAPHY

Often thought of the most twisted and perverse form of sexual pleasure and entertainment, child pornography is one of the most denounced practices on the internet—yet it is also one of the most accessible. Unfortunately, due to the vast expanse and availability of the internet, the regulation of online child pornography has proven to be a formidable opponent for United States law enforcement and legislators. This challenge is highlighted when punitive action aimed at preventing offender recidivism is in question —when, if at all, is it appropriate to restrict a sex offender's access to internet?

While the definition of child pornography is not uniformly agreed upon at the national level—there is significant variation among the fifty states of America—it is generally agreed that a child can be classified as any person under the age of eighteen. United States federal law defines a youth under the age of eighteen as a child and extends its definition of child pornography to include “photographs and films of conduct that are sexually explicit”.² Sexually explicit material, however, is a controversial standard due to its vague and subjective nature. Because of this, legislators and law enforcement officials have attempted to narrow the definition: “Sexually explicit conduct may include sexual intercourse, bestiality, masturbation, and lascivious exhibition of the genitals or pubic area. These federal definitions have been adopted by some states and interpreted broadly, such that it is difficult to identify one specific definition for child pornography”.³ The obscurity surrounding what specifically constitutes

child pornography has been a topic of great controversy within courtrooms and trials. One of the only mediums of child pornography that has been appointed definitive characteristics are those of images and videos. The most basic standards are usually employed when deciding if an image or video is considered child pornography—the two criteria that must be met are 1) the child must be under the age of eighteen and 2) the material in question must portray the child in a sexually explicit or suggestive environment; nudity is not a requirement for meeting the second criteria. When a medium that is not an image or video enters the realm of discussion, the criteria that must be met in order to reach a definite classification of child pornography depends on a case-by-case basis. This is an inefficient approach to quelling the growing availability of child pornography.

Under the protection of internet anonymity, privacy, and the sheer size of the World Wide Web, child pornography is thriving. According to statistical reports on the website for Enough Is Enough (EIE), an organization advocating the creation of a safer internet atmosphere through censorship and regulation, child pornography has boomed into a business with a gross annual revenue of three billion dollars.⁴ Combating this explosion is difficult to do while respecting individual rights to privacy due to the fact that evidence for prosecution cannot be gathered without monitoring the suspects internet use and history. Tracking an individual's internet use can only be done under the protection of a legal search warrant. Once a search warrant is legally obtained, however, recorded internet activity is can be extremely helpful to police investigations:

The Internet has opened up new opportunities for investigation and evidence collection in child sex crimes. Computer technology can provide law enforcement agents with powerful weapons and forensic evidence often lacking in conventional child sex crimes. Since much of what takes place on the Internet leaves a digital trail, it is possible that this may actually facilitate police investigations of some child sex crimes, and allow law enforcement agencies with access to computer forensic equipment to collect valuable digital evidence.³

Once a person is successfully charged and convicted of possessing, trading, or creating child pornography, there are serious ramifications and procedures that take effect. In the state of California, the first—and most controversial—step of fulfilling this process is to register as a sex offender. Megan's Law has required convicted sex offenders to register with local law enforcement for over 50 years but on August 24, 2004, California state legislature passed a reformed version of the law which made sex offenders' registered information, such as place of residence, photograph, and type of offense, publicly accessible through the internet.⁵ California's reform has spread nationally, on a state-to-state level, causing great uproar and opposition from convicted offenders and supporting organizations due to loss of privacy and the fact that registering as a sex offender is a lifelong, irreversible process. Opponents of the modifications made to Megan's Law also cite unwanted hate crimes as a consequence of such public disclosure as well as an onslaught of unwarranted and undeserved discrimination from an offender's residential and professional communities. It is for this reason that Megan's Law website exhibits a disclaimer against any such behavior: "The law is not intended to punish the offender and specifically prohibits using the information to harass or commit any crime against an offender".⁵ Despite the presence of such disclaimers, sex offenders and opponents of Megan's Law filed lawsuits in Connecticut and Alaska to challenge the law on the basis that it violates the right of due process on the grounds that most sex offender's do not go to trial before registering, and that those who had already served prison sentences for their crimes prior to the passing of the reforms were being doubly punished. These cases have made their way up the judicial ladder to the United States Supreme Court where they were both struck down: "In short, the Court found that state laws that are designed to use the Internet to notify parents of the presence of convicted rapists and child molesters in their own neighborhoods do not violate the constitutional rights of the listed sex offenders".⁶

While the Supreme Court ruled that no constitutional rights were being infringed upon by the alteration made to Megan's Law, the state of New Jersey is attempting to join Nevada and Florida by enforcing a new law that would go further than Megan's Law in the hope of curbing recidivism. While no federal law exists mandating the oversight of paroled sex offender's computer use, the three aforementioned states have all implemented an attachment to Megan's Law that would allow state parole boards to restrict internet access to sex offenders. According to Parole Board Chairman of New Jersey, Peter Barnes,

Under the law, sex offenders will have to let the state Parole Board know about their access to computers. Those caught using the Internet would face 18 months in jail and a

\$10,000 fine. Convicted sex offenders will have to submit to periodic, unannounced examinations of their computer equipment and install equipment on their computers so their use can be monitored. Parole officers can also order polygraph tests for convicts suspected of violating the Internet ban⁷

Disallowing convicted sex offenders any type of internet access would ignite a much larger scale of controversy than the free disclosure of information to the public provided by Megan's Law. As was previously discussed, internet and computer access has become an integral part of American daily life in the twenty first century. The rehabilitation of sex offenders depends on their successful reentry to society—if they are prohibited access to a computer or internet, their opportunity of seamlessly assimilating into mainstream society is precluded. The recently proposed New Jersey law would impact an individual's civil liberties by acting as a hindrance to the Constitutionally protected right of a viable and feasible pursuit of life, liberty, and happiness.

Achieving a just balance of government regulation and honoring an individual's right to civil liberties becomes convoluted and complicated when the issue of child pornography is introduced. Although the action is undeniably illegal, the issue becomes less well defined when considering how sex offenders, those in possession, trading, or creating child pornography, are to be investigated, punished, and, most of all, treated once they are exonerated. Undoubtedly, the medium used by most sex offenders has increasingly become the internet and thus a system of surveillance is naturally considered—however, the necessity which the internet has become and the enormity of other services it provides begs the question as to how does such surveillance and regulation take place and when is it appropriate to impose on individual rights in doing so.

IV. ADULT PORNOGRAPHY

The availability of pornography has skyrocketed with the advent the World Wide Web. What was once only available for purchase in print or video format is now freely accessible to any and all with a computer and dial-up or broadband connection. Many feel this is a detriment to society by encouraging moral degradation, the objectification of women, premature loss of childhood innocence, and increasing rates of sexual crimes. The Puritans and other early Americans, however, recognized the importance of sexual outlets such as pornography.

Puritan thought dictated that sexual outlets were necessary to tame the passions of people, men in particular, and thus they usually turned a blind eye to sexual misconduct and deviancy so long as the action was kept insidious and private. Clemson University Professor Todd Kendall finds similar results in studying the relationship between the availability of pornography and the occurrence of rape cases: "Nevertheless, the results suggest that, in contrast to previous theories to the contrary, liberalization of pornography access may lead to declines in sexual victimization of women".⁸ Furthermore, Kendall's study witnessed the most significant drops in rape rates among young men aged 15 to 19—an age bracket characterized by high levels of testosterone, aggression, and sexual drive.⁸ His findings and conclusion go against conventional, orthodox views on pornography and its effect on people—that pornography fostered emotions of passion and led people to act impulsively, in turn increasing the likelihood of committing acts of sexual assault and rape.

Despite Kendall's findings on the benefits of pornography, there is a large following of opponents to sexually explicit images and videos who call for increased regulation and censorship of such material. The vagueness which makes regulation difficult, however, lies in difference in perception between what is considered appropriate and inappropriate. To determine such a subjective decision in a standardized fashion the Supreme Court ruled in favor of creating the Roth Test during *Roth v. United States*: "whether to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to the prurient interest".⁹ This standard for determining whether or not a work was obscene lasted from 1957 to 1973 when the Supreme Court revised the Roth Test and renamed it the Miller Test after the plaintiff of the case, *Miller v. California*: "a work is obscene if it would be found appealing to the prurient interest by an average person applying contemporary community standards, depicts sexual conduct in a patently offensive way and has no serious literary, artistic, political or scientific value".¹⁰ The vagueness surrounding obscene materials, much like the undefined term of child pornography, adds to the controversy over censorship and regulation of pornography—mainly because it is not concretely known what is or is not considered "true" pornography.

Moreover, in *Stanley v. Georgia*, Justice Thurgood Marshall stated, "if the First Amendment means anything, it means that a State has no business telling a man sitting in his own house what books he may read or

what films he may watch” meaning that the ownership and viewing of pornographic materials in the privacy of one’s own home could not be regulated by the government due to an individual’s Constitutional rights.¹¹ The distinction between the public and private realm implied by Justice Marshall’s statement strikes at the foundation of early American, Puritan perspective—yet it is this dichotomy which complicates how the United States regulates the internet, which encompasses both public and private arenas, while still respecting and honoring individual rights and liberties.

Adult pornography prices have dropped substantially and its availability has soared alongside internet growth. While many see the proliferation of pornographic content on the World Wide Web as something to be carefully monitored and governmentally regulated, others view the material as a personal choice that may perhaps do more good than harm. The divide in point of view coupled with the remnant Puritan attitude of public versus private spheres and the nature of the medium that is the internet (i.e. its vast expanse and international boundaries) creates a situation where regulation must be enforced but cannot be completely restricted. As the United States tries to solve the disparity as concerns mount, presently the issue of pornography over the internet is one that is casually avoided and when in sight, it is left to the standards of whichever community it happens to be in.

V. CLOSING STATEMENT

How does the United States police sexual content on the internet while still respecting individual Constitutional rights? Perhaps the answer to that question is by avoidance of the issue. Much like with prostitution, legislators are not striving for total elimination or stringent regulation of sexual content over the internet for economic, political, and social reasons; instead, politicians strive for containment of the problem and concealing the issue from mainstream public attention. By falling into the mentality of the Puritans, condoning deviant sexual behavior if kept private, lawmakers and politicians maintain an image of purity by denouncing unpopular material yet reap the economic and political benefits that come with allowing the continuation of the subject matter. If politicians strove to eliminate all sexual content from the internet they would be met with fierce opposition from their constituencies as well as groups organized around maintaining the integrity of American individual freedoms, such as the American Civil Liberties Union (ACLU).

Gathering from research and observation, most Americans feel that sexual desire and passion is a natural, hormonal instinct—much like early Puritans believed humans were born as inherent sinners. Both the Puritans and modern American’s use this assumption as a pretext to excuse deviant behavior such as viewing pornographic and/or sexual content over the internet. Therefore, the only way for the United States government to effectively police the internet is to avoid the issue and merely appear to be regulating content. By acting under a façade of action, opponents of an unregulated internet are appeased with small illusions of restrictions while those who support uncensored sexual content are allowed to express their Constitutional rights freely by viewing and indulging in the online plethora of sexually suggestive and provocative images and videos. It is in this fashion that individual liberties are maintained while the appearance of regulation is erected.

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THE UNIVERSITY OF
 SOUTHERN CALIFORNIA
 JOURNAL OF LAW AND SOCIETY

Volume IV

Spring 2009

Issue 2

NECESSARY CLARIFICATIONS FOR A
 POSSIBLE CITY OF REFUGE

VICTORIA KO

I. INTRODUCTION.....42
 II. REFUGEE VS IMMIGRANT.....42
 III. LAND AS A STATIC ENTITY THAT POSSESSES A STRICT IDENTITY.....43
 IV. A CITY OF REFUGE REQUIRES A PHILOSOPHY OF A PEACEFUL CHANGE
43
 V. CONCLUSION.....44

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I. INTRODUCTION

Jacques Derrida in *Cosmopolitanism and Forgiveness* concludes that there is no true city of refuge, and if there is, we have yet to recognize it^{cxix}. Historically, the concept of a city of refuge in the western world is most likely derived from the book of Numbers in the Bible which instructed Moses to establish six cities of refuge for aliens, the falsely accused, asylum seekers, etc^{cxl}. However, the question of viable cities of refuge did not become a necessity until the end of World War II, when many civilians found themselves without a state. Traditional laws governing citizenship and naturalization had to change, as the numbers of refugees present in all lands were unprecedented^{cxli}. However, it was and is arguably still not clear how a city of refuge can exist when there is no international body capable of dictating where refugees ought to go^{cxlii}. Yet, so long as it is internationally agreed that nations should extend hospitality towards people who need to be freed from inequity by providing them with a residence that is free from injustice, nations should contribute towards a viable city of refuge. However, a city of refuge can exist, only if it is accomplished through a careful understanding of refugee/immigrant differences and the justified expectations that can be placed on both, land as a static entity that possesses a strict identity, and that a true city of refuge must value peaceful change which requires patience on behalf of differing groups located on the same land.

II. REFUGEE VS. IMMIGRANT

A city of refuge is a political entity seeking to provide a safe place for refugees that would be subject to injustice if they were to remain in their former land. The question then arises as to whether or not a city of refuge includes immigrants as well? It could, but it would still need to be careful to recognize the difference between the two. A refugee is not an immigrant or a political immigrant^{cxliii}. A refugee is a person who has been forced to leave their country in order to escape war, persecution, or natural disaster. An immigrant is a person who comes to live permanently in a foreign country. Choice is an important contrast point between the two groups. An immigrant willingly chooses to leave one's previous location for another location. A refugee does not willingly choose to leave their original location for another location; they leave because if they do not, death will ensue them.

Considering the difference between the groups, it then becomes reasonable to ask if the difference renders different treatment and expectations. After World War II, Germany's new constitution included an extremely liberal asylum policy that did not limit the number of asylum seekers until after the reunification of Germany in 1990^{cxliv}. However, violence in Germany increased alongside the influx of immigrants^{cxlv}. The Turkish population entered Germany by choice to reap economic benefits from their relocation to Germany. Many first generation Turks decided to remain in Germany because health care and job security was much better in Germany and second/third generation Turks had little desire to return^{cxlvi}. The expectation to integrate is more reasonably placed on the immigrant than on the refugee because a refugee's interest in a city of refuge would be to escape political, racial, and religious persecution in addition to reaping benefits from the city of refuge. An immigrant would leave his or her original land for the sole purpose of benefiting from the land he or she chose to move to. Thus, if one is a refugee, integration to the location in which one lives is not a reasonable expectation by the native body because that refugee did not choose to move away from their country, they were forced to leave their country and to be situated in another land.

It is important to distinguish a refugee from an immigrant so that laws can be more carefully tailored to meet the needs of the differing groups. In France, conflating the two has caused injustice because expectations placed on immigrants were conversely placed on refugees. "Immigration control," as France's politicians called it, was a policy that allowed refugees into France if they did not expect an economic gain from their relocation^{cxlvii}. One assumes refugees were made to comply with such a regulation because immigrants entered France for the sole purpose of economic gain, and in order to prevent foreigners from entering for that sole purpose, all foreigners, including refugees were required to comply with this measure. However, for a refugee entering a foreign land, to expect that a refugee would not economically gain from the relocation would be absurd according to Derrida^{cxlviii}. That refugee is leaving a land infested with injustice into a land with less injustice, and a consequence of that will be economic gain. As well, despite being a refugee, if economic gain results from their work in the land that they have relocated into, refugee economic gain is justified. Needless to say, conflating the two terms causes unjustified expectations to be placed on refugees. Thus, when the face of a refugee merges with the face of an immigrant, the actions of the refugee will be confused with the expectations placed on an immigrant. Refugees will then be a victim of immigrant control and undue expectations.

Another consequence of conflating the two is violent identity rupture. According to Franz Fanon's discussion of the colonizer and colonist relation, the colonists will choose to engage in violent identity rupture from the colonizer in order to rid the colonized of all colonial influences. In a refugee-native relation, a similar sort of violent separation occurs. Refugees, unlike immigrants, are more or less justified in not integrating into the native society. When a refugee is confused with an immigrant and when expectations of integration are placed on a refugee, in order to preserve a refugee's identity, forced integration will result in a violent rupture from the native customs and identity in the form of terrorism against the land in which they have been a recipient of asylum.

Further, German-migrant violence illustrates a violent rupture as a result of the conflation of immigrant and refugee status. After Germany was declared "Einwanderungsland," an immigration country by the government, both refugees and immigrants were expected to respond to German culture in the same way: integrate. Although, some may hold integration as necessary refugees do not. If laws force those who do not necessarily need to integrate to do so anyway, a violent rupture may occur. Because German migrants are a mix of immigrants and refugees, one policy to address them all will surely perpetuate extremist responses. As one young German-Turk expressed, a German-migrant identity is not an option for German-Turks (citation). A second/third generation German-Turk to those in Turkey is integrated, but is not considered integrated in Germany. His identity shifts from German to Turk and nothing in between. A consequence of his swinging identity is that he is not viewed as integrated, and therefore struggles to succeed in German society. Thus, German-Turks are left with "religion and tradition, and when they come together, at some point, this steam will need a valve," i.e. violent rupture^{cxlix}.

III. LAND AS A STATIC ENTITY THAT POSSESSES A STRICT IDENTITY

The expectation of integration placed on a refugee ought to be different than that placed on an immigrant, both the refugee and immigrant will attempt to change the identity of the land in which they are newly settled. The reason lies in the inevitability of foreign groups to impose their culture onto a land previously possessing the strict identity of the native. This change in the identity of the land is also due to the change that occurs in refugee groups from refugee to immigrant. When a refugee decides to remain in the city of refuge even after conditions improve in the land they were separated from, then the refugee becomes an immigrant. In being an immigrant, one intends to remain in the foreign land for a sustained period of time. That "remaining" in the foreign land results in a mixing of cultures and people that will ultimately change the identity of the land, but the process is slow and taxing.

Land is strongly bound to a specific set of customs and people. For instance, Chinese land is bound to Chinese customs and people who make up the culture of China. Native American reservations for instance, are a land reserved for Native use. That land is to be a space for Native American culture to flourish, it is to be free from outside influences, and Native Americans have full sovereignty over the activities that occur on reservation land. Furthermore, oftentimes reservation land will have historical significance to the tribe that it now belongs, either it was a part of the tribe's original land, or it was an area that the government may have relocated the tribe to be after Natives were pushed west due to American westward expansion. Thus, land is stagnant and has an identity. The identities bound to land are difficult to alter in the minds of those who hold the customs and dwell on the land because the two are deeply intertwined.

Interestingly, despite the events of World War II, German lands possess an identity unique to the German people. This identity is largely different than the identity of its many migrant groups. The Turkish community is currently one of the largest migrant groups in Germany. There are about 2 million Turks in Germany. The Turks first entered Germany as guest workers to help rebuild Germany after World War II^{cl}. Though some of the Turks wanted to return to Turkey, after having families in Germany, returning to Turkey became difficult. But as a refugee or immigrant to a foreign land, certain customs and people in the land that one has immigrated to, will be different than one's own customs. A woman on German soil for instance, does not need to wear a headscarf. A woman on Turkish soil however, does need to wear a headscarf. A man or a woman on German land can eat pork but are not allowed to eat pork if on Turkish land. This poses an important question for a city of refuge because customs of the native land in this case, are vastly opposite of the customs of the foreign group. How does a foreigner's customs and identity interact with the identity of the native land? What is to be expected of a refugee when they move to a land that does not match their customs and people? Whenever there is a mismatch of the customs of a people and the land, the refugee or immigrant is expected to understand that the land in which they have settled upon, possesses a strict identity different to theirs, so either they choose to conform to its native identity or seek non-violent means to change the identity of the land.

If refugees and immigrants choose to integrate or conform to the native identity, then one must understand what true integration entails. Integration does not mean assimilation. Integration is not asking German-Turkish women to take off their headscarfs or forcing Turks to eat pork, but rather, integration is to cultivate understanding between different groups of people^{cli}. So instead of asking German-Turkish women to take off their headscarfs, German-Turkish women can integrate into the German community by adopting the value that women are equal to men and thus able to carry a career. Instead of forcing German-Turks to eat pork, integration is the introduction of Turkish foods into the German diet so that Turkish people and German people can have alternative forms of food. However, as a refugee group, integration is not expected. If a refugee group chooses not to integrate, their other option is to remain an independent group. Consequently, because the identity of the land and the refugee group stand in opposition of each other, areas of refuge that do not integrate into the native society, should not expect that they can fully transform the land into a purely foreign identity that does not have any remnant of its former native identity. Thus, it is necessary to view land as stagnant in order to advance a city of refuge. Refugees are not expected to adopt the identity of the land in which they have been newly located, but they are expected to reside peaceably on that land without trying to change its identity through violent rupture.

IV. A CITY OF REFUGE REQUIRES A PHILSOPHY OF A PEACEFUL CHANGE

Over time, the identity of that land may be susceptible to change via the residence of a refugee group or an immigrant group, but that change must not be forced by violence but by kind nurture. For instance, instead of German-Turkish citizens using violence to attempt to change the identity of the land and people, the non-violent interactions between the refugee/immigrant and native, can cultivate a new refugee/immigrant-native culture. Non-violent interactions must discover ways to merge two contrasting cultures, beliefs, and people. Instead of viewing the differences in the other as a reason to alienate oneself, those differences can be bait for contrasting groups to travel a road of appreciation for each other's differences. In essence, a city of refuge must seek a way to change the identity of the land by converging the customs, ideology, and people of the native group the refugee/immigrant group in order to avoid violent means of cultural change.

Though violent rupture enacts fast change in some cases, it has crippling effects not worth its immediate solvency. Terrorism by refugee/immigrant groups against native citizens will change the identity of the land, but not in a way that will sustain a respect for the refugee/immigrant on foreign land. The violent force used to gain cultural change will always be a part of the land's newly revised identity, and it may in turn cause violent rupture from occurring in the future. In the case of German identity on German land, Turkish refugees and immigrants have imposed changes to the European German identity in a variety of ways. One prominent means is through violence. In speaking with a 26-year-old German-American who considers himself closely tied and informed of his German background remembers multiple events in Germany where he and his family became the subject of Turkish violence. He describes a culture where some areas largely occupied by Turks are simply areas where Germans do not go because they fear for their survival. Corresponding to Turkish violence against native Germans is a rise in neo-Nazi violence against foreigners^{clii}. As violence becomes the means to impose change, German society is becoming highly polarized between those who support foreigners and those who are against foreigners. Rather than allowing a development of a multicultural land, violence has set the land up for a consequential future ultimatum – a foreigner dominated land or native German dominated land^{cliii}.

In turn, refugees, immigrants, and native groups should choose non-violent methods to change the identity of a land even if it is a slow route to change. It may be slow because it requires changing the minds of a people and molding them together even when their beliefs, customs and actions are vastly different. A true city of refuge must value peaceful change that requires patience on behalf of differing groups located on the same land. Thus, cultural identity can change, but it is only successful if achieved without violence and with patient expectancy by the people.

V. CONCLUSION

In conclusion, a city of refuge can exist, but it can only be accomplished through a careful understanding of refugee/immigrant differences, the character of land identities, and the preference of peaceful but prolonged processes of change in cities of refuge. The German-Turk experience exemplifies how the convergence of two cultural groups poses such inequities and impossibilities as to creating a real city of refuge. However, the example does represent the challenging facets that must be considered when attempting to create a place of such peace. Therefore, while the establishment of a true city of refuge seems nearly unattainable, the possibility of its enactment

is enticing as it proposes new understanding and methods of establishing universal rights for immigrants and refugee.

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