

**Homogeneity, heterogeneity, and body practices. Sport, Leisure,
Human Rights and Diverse Bodies^{1 2 3}**

*Homogeneidade, heterogeneidade e práticas corporais. Esporte,
Lazer, Direitos Humanos e Corpos Diversos*

*Homogeneidad, heterogeneidad y prácticas corporales. Deporte,
Ocio, Derechos Humanos y Cuerpos Diversos*

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Abstract

This paper examines the possibilities of interpreting sport and leisure as potential human rights, considering the openness of contemporary times to recognizing bodies as diverse. Against this humanistic and romantic idea of conceiving sports and leisure as human rights, albeit recognizing the importance of defending body practices as central to our cultures and safeguarding the possibilities and desires regarding “free” time, I argue that sports and leisure viewed as human rights end up universalizing the diversity of bodily practices, and thereby homogenizing the diversity of bodies.

Keywords: Bodies, Sport, Diversity, Homogeneity

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Resumo

O escopo destas reflexões é interpelar a possibilidade de pensar o esporte e o lazer potencialmente como direitos humanos e considerar que estamos assistindo a uma época na qual é possível reconhecer os corpos como diversos. Dessa forma, a intenção é apresentar uma crítica a essa ideia humanista e romântica de conceber os esportes e o lazer per se, universalmente, como direitos humanos, não porque não seja importante defender as práticas corporais como centrais nas nossas culturas ou porque não seja significativo sustentar as possibilidades e desejos sobre o tempo livre, mas porque afirmar os esportes e o lazer como direitos humanos acaba por universalizar a diversidade de práticas corporais e, com isso, homogeneizar a diversidade dos corpos.

Palavras-chave: *Corpos, Esporte, Diversidade, Homogeneidade*

Resumen

La intención de estas reflexiones es cuestionar la posibilidad de pensar el deporte y el ocio como potencialmente derechos humanos y la consideración de que estamos ante un momento en el que es posible reconocer los cuerpos como diversos. Con ello, se pretende argumentar una crítica a esta idea humanista y romántica de concebir el deporte y el ocio per se, universalmente, como derechos humanos, no porque no sea importante defender las prácticas corporales como centrales de nuestras culturas, ni porque no es significativo sustentar las posibilidades y deseos sobre el tiempo libre, sino porque afirmar como derechos humanos el deporte y el ocio acaba por universalizar la diversidad de prácticas corporales y, por tanto, homogeneizar la diversidad de cuerpos.

Palabras clave: *Cuerpos, Deporte, Diversidad, Homogeneidad*

Diverse bodies

American Samoa, 2004. May. It is time of qualifying matches for the 2006 World Cup in Germany. Besides being considered one of the worst teams, occupying the 203rd place in the FIFA (International Association Football Federation) world ranking, only above the team from Montserrat, the American Samoa team still carries the burden of having suffered the biggest defeat in the history of the competition, when it lost 31-0 against Australia, only 3 years earlier. But the American Samoa soccer team stands out in the international media not so much for its amateurish play, but for one player: Johnny Saelua. At the 30-minute mark of the game against Fiji on May 15, when the score showed that the Samoans were already down by 4 goals in a

game that would end 11-0, central defender Saelua, a person known in Polynesian societies as *fa'afafine*, which can be translated as 'lady like,' entered the match. This kind of third gender occurs because the first-born male is raised as the head of the household, yet the next son is trained to satisfy him—not in the sexual sense, evidently—by managing all household chores, such as doing the dishes, cleaning the house or the laundry, ironing, and taking care of the children.

Such social division of intra-familial castes ignores the genitalia of the second child: whether it is a boy or a girl, whoever is born after the firstborn occupies this socio-family role. Many of them even wear the same clothing styles as their mothers, the reference image of this socio-family role. Beyond the fact that long after Johnny decided to become Jaiyah Saelua, and thereby be recognized by FIFA as the first transgender player to officially play for a men's national team,⁴ the international sports media is in awe of the case, in its task of filling hours and hours of television content.

Our question here is two-fold: on the one hand, we have the case of the Samoan defender who was born after his brother and raised thus; on the other, the enormous difficulties of *so-prepared* journalists who, to put it Foucauldian terms, could not seem to find a word for the thing: "transsexuals"? "Travestis"? "Effeminate"? Or what in some Asian countries is called "Lady-boys"? None of these words can name the *thing*: that this social function and Saelua's feminine dress say nothing about their sexual orientation. But when biology does not conform to what is universally expected, to what is universally correct, the diversity of bodies dissolves into the individualism of what cannot be named, into the emptiness of what cannot be reproduced.

Germany, 2009. Caster Semenya wins gold in the 800-meter track at the World Athletics Championships. From then on the South African athlete has her biology scrutinized: her body produces *too much* testosterone. To the simplifying, physicalist, scientific world her female body is *too masculine* to compete with women. Classified by the International Association of Athletics Federations (IAAF) as presenting "*differences* of sexual development", her biology prevents her from competing either with men or women. Some even questioned whether she should compete

⁴ An interesting watch in this regard is the British documentary "Next Goal Wins" (Brett & Jamison, 2014), which recounts the American Samoa team's campaign during the 2014 FIFA World Cup qualifiers in Brazil, in which they won a game for the first time, 2-1 against Tonga in 2011. The film tackles the issue of the *fa'afafine* and Jaiyah Saelua.

on the men's category, gesture that would break with the classic dichotomy of male and female competitions by introducing a new dimension into sports: separate according to hormone levels, according to characteristics not necessarily anatomical.⁵

But the question remains: is the problem her *natural non-normal* hormones or the fact that she is successful? As the criteria for hormone measurement are not public, it is unclear what characteristics are used to define who *is* a woman. However, this characteristic is subjected to biological parameters: ergo, *natural*.

After a decade of debates, bans from competing due to “differences of sexual development”, intermittent sporting successes and an interrupted career, the Court of Arbitration for Sport (CAS) ruled in 2019 that Semenya could race whenever hormonal analysis was performed and the results were within the stipulated limits. Limits that are, of course, arbitrary, and that conform a *gender ideology*⁶: hyperandrogenism.

This inaugurates a new philosophical paradigm within sports: no longer just anti-doping-artificial controls to improve the organically bad or to regulate positive biological conditions, but doping to control what naturally, without exogenous help, could give an advantage.

On September 6, 2019 Semenya decided not to quit racing, but to start training to play soccer for JVV FC, a South African women's soccer team. Recognizing that the CAS legislates on all sports, the issue is whether her *problematic* biology is “universal,” and thus the requirement of prior hormonal analysis would also apply to football, or does it depend on each sport, and then each sport would have its tolerable biology.

England, 2012. 400-meter runner Oscar Pistorius becomes the first Paralympic athlete with a double leg amputation to compete in the “normal” Olympic Games.⁷ The South African athlete who surprised all with *absolute* marks — an euphemism for saying “of normal athletes” — manages after years of legal battle to be treated simply as a sportsman, and not as a disabled

⁵ Reflections on this topic can be read in “Corpo feminino no esporte: entre heterossexualidade compulsória e lesbofobia” (Silveira & Vaz, 2014a), “Doping e controle de feminilidade no esporte” (Silveira & Vaz, 2014b), “As políticas de verificação de sexo/gênero no esporte: Intersexualidade, doping, protocolos e resoluções” (Pires, 2016) and (Zoboli, Manske & Galak, 2021).

⁶ My use of this concept, employed by body normativisms against any discussion that proposes to break with binarism and with the synonymy between male/female and penis/vagina, is clearly ironic here.

⁷ Although the American George Eyser is considered the first disabled athlete to compete and win 6 medals at the Saint-Louis Olympic Games in 1904, the Summer Paralympic Games, and thereby the separation between “normal” and “disabled” athletes, was created only in 1960.

sportsman. Aside its particularity, the case is striking due to the universal statements by many opposing athletes that the prostheses could somehow give Pistorius an advantage.⁸

As in Semenya's case, once again the universality is called into question: the *abnormality* formerly considered a disadvantage is transformed into valued symbolic and economic capital. Absence of physical legs replaced by orthopedics or hormonal levels exceeding the standards set by the statistical average limit the relations between politics and body. In any case, abnormality and disability are synonyms only by social convention, whose worst risk is their biopolitical discriminatory manipulation.

Argentina, 2014. Field hockey player Jessica Millamán is banned from participating in women's tournaments in her city. The reason? Her genitals: Jessica was born with a penis. In Argentina any person of legal age or minor accompanied by their parents or guardians can choose their gender identity automatically, thanks to Law 26.743, known as the "Gender Identity" Law. And Jessica, as an adult, opted for a female identity, and from then on wanted to compete as such.

The case went before the civil courts and even the International Olympic Committee (IOC), ruling that she, being legally a woman, could play on the women's field hockey team, and thereby setting an international precedent that at least some sports are divided based not on genital or sex, but on gender.⁹

Sigmund Freud's assertion that "anatomy is destiny" is widely criticized nowadays, but how can we do so when society bases all prognostic sense on the phrase: we are our anatomy.... No one is asked about their gender; one only "transforms" or "changes gender" if one chooses to oppose one's anatomical destiny.

⁸ IAAF decision made based on physiological studies done at the University of Cologne, Germany, by Professor Gert-Peter Brüggemann, who stated the advantages as to the time of ground support and energy losses in the rebound process (Norman & Moola, 2011).

⁹ For more on this case and its epistemic unfoldings see "Cuéntame tus testosteronas: Un análisis sobre las regulaciones para jugadorxs transgénero e hiperandrógenas" (Ibarra, 2020) and "Género y deporte: con la sexualidad 'al palo'" (Scarnatto, 2017). It is especially worthy reviewing the book "Transformar el deporte: relatos de deportistas trans" by Melina Maraschio (2020), consisting of a series of journalistic chronicles on the topic of sports and gender based on interviews conducted with trans sportspeople, in which Jessica Millamán participates.

Homogenization and human rights

Without intending to make a historiography of what we currently understand as human rights, we should note that its modern sense was established by the “Declaration of the Rights of Man and of the Citizen”, a core statement of the values espoused by the French Revolution in 1789. Based on the “natural rights” of the time, a series of human rights are formulated whose main characteristic is that they are universal, i.e., universally constitutive for all humans.

From the very beginning the idea of human and citizen rights makes up the constitutive criteria of the modern political regime, meaning that these rights reproduce two fundamental issues: first, they do not refer to any modern political positioning, but to the dominant humanist and liberal senses of the time. They are the rights of men, with this humanist sense of prioritizing the essence of human beings by conceiving the existence of “natural” values. Associated with the epistemic turn that substitutes the spiritual for the human as the center of the world—a shift in the criterion of truth that substitutes the divinity of God for the rationality of science—, life is also secularized and the essence of human sensibilities and reasoning is prioritized. Note that this “humanistic” pondering of life involves re-signifying the concept of life, and consequently reconfiguring not only when such “life” exists, and who grants the condition of living being, whether God or biology (science), but also which life deserves to be lived and who is its owner, whether the individual or the collectivity.¹⁰

But besides the humanist sense, these constitutive principles of modern politics are rights of men and citizens, i.e., they are liberal rights, which clearly encompass natural rights but incorporating a new modern member: the citizen, the civil man. This civil man is civilized, opposed to barbarism, with the moral burden that this entails.

Liberalism is founded in the construction of the civil citizen who develops their lives *especially* in cities, in metropolises, therefore “citizen,” and is fundamentally supported by the idea of freedom between individuals and the State, as regulator of collectivity. Thus, for much of the 19th and 20th centuries, freedom is synonymous with individuality. In other words, that banner raised by the French Revolution along with that of “fraternity” and “equality” — in the

¹⁰ And not least, this pondering also explicitly puts women in a secondary place, where the concept of “man” includes all human beings.

motto “*Liberté, égalité, fraternité*” — was developed in the 19th century, and especially in the 20th century, as the protection of individual liberties.

For the argument developed here, we must highlight that this synonymy between freedom and individuality is at the core of Herbert Spencer’s reflections, author of “*Education: Intellectual, Moral and Physical*” (1861), a major work that argued for the inclusion of Physical Education in the emergent Educational Systems of the 19th century. In fact, we owe much of the name “Physical Education” to Spencer’s ideas, but also a double articulated foundation from which the inclusion of institutionalized body education as a governmental apparatus was argued: an liberal individualistic foundation, especially liberal individualistic republicanism, that appears in another of Spencer’s work, “*The Man versus the State*” (1884), and a social biologist foundation, particularly linked to Spencer’s theory of “Social Darwinism” developed in “*Principles of Biology*” (1864), and which embodies the idea that by improving the individual body one can improve the collective body, and vice versa. The importance of institutionalized body practices, such as Physical Education or Sports Sciences, sports or leisure, owes much to these liberal individualistic and social biologist foundations.¹¹

As a second nodal consideration, human rights support humanistic and liberal residues in their foundations, principles that constitute the characteristically modern “legal subject.” As the Italian philosopher Roberto Esposito states, the idea of human rights is defined exclusively by the condition of living beings. That is: only living beings can have human rights. In his book “*Bios: Biopolitics and Philosophy*”, Esposito (2011) argues that human rights draw from the “Declaration of the Rights of Man and Citizen,” on the one hand, that human rights have as a principle to be universal, and, on the other, seek to constitute themselves as natural, which implies a consistent prescriptive orientation to the future: what *has been* with what *should be*.

This is precisely my point: to speak of “human rights” implies, first of all, a natural principle that considers modern subjects of law only those who are living beings. Hence, human rights are based on the interpretation of life as biological, of what the Greeks called *ζοέ*, life understood as natural, biological, shared with the animals, but supported by a *bios*, a qualified, political life. As Esposito explains, a biopolitics affirmed on a *ζοépolitical* criterion, a natural criterion.

¹¹ These arguments were resumed in “Herbert Spencer y la pedagogía integralista. Influencias en los inicios de la Educación Física argentina” (Galak, 2013).

As a complement to the natural principle that affects every living being we have a universal principle: if we all have “the same nature,” we therefore all have the same human rights. In fact, by the will to have this right, we relegate our subjectivities to being objects of a natural and universal law, an individuality that precedes us and grounds our subjectivity.¹²

Heterogeneity and diverse bodies

Faced with the diversity of bodies, modernity places the body as the object of our individuality, property of our subjectivity. Practices that have the body as their object show the tensions between individual corporeality and social homogenizations, especially those institutionalized. Hence, Physical Education and the development of sports or leisure cannot be explained without the central state articulating role and the use of bodily practices as governmental apparatuses.

The “Declaration of the Rights of Man and Citizen” that was born with the French Revolution in 1789 is based on four axes, namely liberty, property, security, and resistance to oppression. Michel Foucault (1983, 1998) resumes precisely the modern ideas of liberty, property, sovereignty, and power to argue that these are the principles upon which rests the birth of biopolitics in the 18th and 19th centuries, an important concept to explain the government of bodies by the emergent nation-states.¹³ In turn, Roberto Esposito develops two ideas on this subject, which allow us to reflect on the idea of diverse bodies in the face of heterogeneity/homogeneity: the “immunitary paradigm” of biopolitics and, as a consequence, that in the face of this individualistic freedom, the body becomes an object of power and property.

Based on philosophical concept of “paradigma of immunization”, Esposito posits that societies have *múnus*, a Latin concept that means “obligation” (*ónus*), “function” (*officium*), “gift” (*donum*). Hence he first explains his conceptualization of “community”: the communitarian as the common, as the *co-munus*, and then the notion of “immunitary,” as its opposite, as *in-munus*, from which emerges the idea of immunity. From this concept of immunity Esposito defines a

¹²Although it escapes our central argument, we could incorporate here the issue of safety for, as Esposito explains, we relegate our freedom to the State for the sense of security.

¹³Although the concept of biopolitics is not strictly Foucauldian, nor is it developed much by the French author, it is strongly linked to Foucault and his tradition of thought.

stage of the biopolitical process that unfolded in the second quarter of the 20th century, and involves the elaboration and refinement of biological and juridical criteria as ordering of the world.

What Esposito wants to express with the term immunization is the double meaning of the word immunity. One legal meaning, which he interprets as a privilege or prerogative that releases someone from something that others are bound to. This shows that the universality of norms has its exceptions, which to some extent is a contradiction: universal is, according to the dictionary, something common to all members of the same species, without exceptions.¹⁴ In other words, the universality of rights, such as human rights, can be put on hold for some people.

Clearly these ideas are strongly represented in the fascist totalitarian experience, especially Nazi and Italian, which are contemporary examples of the emerging immunitary paradigm and demonstrate the suspension of universal rights by particular conditions, such as racial conditions, as made explicit by the 1935 Nuremberg Laws in Germany or *Il manifesto della Razza* in Mussolini's Italy, in 1938.

This is complemented by the biological meaning of immunity, defined as the property of living organisms to be free from a certain disease, the constitution of natural or acquired resistance against infectious agents. In the philosophical sense used by Esposito this points to the development, in the early 20th century, of a biological scientific position that becomes dominant and separates nature from universality. Because if biological scientism *proves* that we do not all have the same nature, and even *proves* that there are “better” or “worse” natures, then the idea of the human as universal is disrupted, and one can no longer base the universal on the natural foundation.

And here we can pose a question that anticipates the final argument: without this supposedly natural and universal cohesion, we do not all have the same human rights. What I'm arguing here is that the immunitary paradigm reconfigures the education of institutionalized bodies, through sports, physical education, or leisure, and that this reconfiguration relies on biological individualism, which legally allows to maintain the individual freedoms proper of liberalism, but at the same time accept that, following biological criteria, the State can dispose

¹⁴ Unlike in the past, these legal immunitary exceptions stem from conditions considered to be superior: not just anyone can access the exceptions of universal laws, as with diplomatic immunities.

of such individualities. As in the case of vaccine administration or abortion legislation, supported by biological criteria, but also a set of normative prescriptions supported by biological, social and moral criteria, such as prostitution, “gambling,” alcohol abuse, among others.¹⁵

What I want to state is that the “immunitary paradigm” of biopolitics developed in the second quarter of the 20th century relies on a different individualism, one that deepens the liberal and humanistic universalism of the modern subject as a “living being” and leads to biology as a criterion of individuality. It is precisely this biological individualism on which the case of Saelua, Semenya, Millamán or Pistorius is based, when from a particular case, from an individual biology, one legislates sportingly for all universality. In other words, we live in a time in which individualism is no longer strictly synonymous with liberty, as in the 19th century; rather, our individualism supports its universality on the body as property.

Bodies as property

Such immunitary paradigm reconfigures the four axes on which biopolitics is supported: freedom, property, sovereignty, and power. This reconfiguration implies conceiving that, faced with freedom as a synonym for individuality and the replacement of sovereignty by security, the body radicalizes its territory as an object of power and becomes property.

Conceiving the body as property implies upholding the old dialectic of the body as object and subject, material and symbolic territory of people, allowing it to be seized (sold, traded, adorned, exchanged, etc.) as a thing *beyond* subjectivity. If the body is valued as property, it commercializes our subjectivity, it represents us outside of any idea that links the body to nature; it becomes a malleable object, a commodity, the territory of individuality. But it also deepens individualism. Interpreting it as property encloses the classic “having” or “being” a body into the biological and legal individual, into the living being.

¹⁵ As developed in previous research (Galak, 2016), the paradigm of immunization reconfigures Physical Education from a biological individualism in a psycho-pedagogical sense, when the main disciplinary provisions are no longer transmitted from official educational governmental institutions but promulgated by bodies linked to public health. This results from the shift in the old paradigm of education as the political task of the collective, which restricts its responsibility to teaching: whether one learns or not is a problem for the individual, for each one’s individual biology.

Now, resuming the argumentative thread developed in the first part of this reflection, this is clearly manifested in the “Universal Declaration of Human Rights,” adopted in December 1948 in response to the Second World War and the Shoah. If the 1789 Declaration of the Rights of Man and of the Citizen had put the universal as the paradigm of law, making us all to fit the norm, the so-called “International Bill of Human Rights” puts the normal as the paradigm and imbues the rights with moral values, especially ideals such as freedom, justice and peace. For example, in this Universal Declaration the word “universal,” apart from the title, appears only 3 times, whereas “individual” appears 5 times, “equality” 9 times, and “freedom” 20 times.¹⁶

Rather than calling attention to a quantitative issue, I want to point out that if in the early days of the French Revolution it was necessary to construct normality and the universal, by the mid-20th century the universal is *pre-existing* to the individual, and it is the individual who needs to adjust to the norm. In fact, this International Bill, signed following the creation of the United Nations, speaks not of universal rights, but of “equal and inalienable rights of all members of the human family.”

My argument is thus: we are at a time that no longer searches for the universal, but for the equal. It is not about being homogeneous, but about recognizing our heterogeneities while also admitting that what we are equal in our condition of, once again, living beings. Equals, sharing the condition of having bodies, as living properties, but being individuals.

As can be seen in the individualism of the Universal Declaration’s third article: “Everyone has the right to life, liberty and security of person.” Equality that implies a new status of normality that takes refuge in the false discourse of meritocracy and the idea of “equal opportunities for all,” which in the end runs the risk today of falling into a love of equals and establishing that unequals *exist* and their consequent rejection.¹⁷

I would like to resume Esposito’s argument and introduce a relatively current example that allows us to enter into the final argument: to signify the development of biopolitics today, Esposito describes a series of cases from the 2000s, including security issues on the part of Russia or the United States—with the so-called “collateral damage” in the fight against

¹⁶ It should be noted that neither the 1789 Declaration of the Rights of Man and of the Citizen nor the 1948 Universal Declaration of Human Rights mention free time, sports, or leisure.

¹⁷ Without generalizing, love for equals is a Nazi paradigm, beautifully depicted by Leni Riefenstahl in *Olympia 2. Fest der Schönheit*, when the beauty festival begins by showing naked men bathing and helping each other without a homosexual appeal, but, on the contrary, as a display of love for the equal.

terrorism—, or population control—such as birth control in China. But the case I want to recall is that of Nicolas Perruche, occurred in France in the year 2000: affected by serious congenital lesions resulting from a misdiagnosed rubella during his mother's pregnancy, and assisted by her right to abort—remembering France allows abortion if the mother or the child may suffer from some disease during pregnancy—the young Frenchman reported the doctors for the right not to be born. He was not requesting euthanasia, but the restitution of the lost right: the denied possibility of having been aborted. As a living being, he wanted the right not-to-be.

The philosophical question raised, and which Esposito sharply asks, is the following: how can an individual act legally against the only circumstance—that of his condition of having been born, of living being—that allows him, precisely, his constitution as a subject of law? Dissolving his condition as a living being is precisely what allows him to express his right to not-be.

What seems evident here is the inseparable relation between biological reality and legal personality, between natural life and form of life (Esposito, 2011). Beyond jurisprudence, with the conceptual tools I would like to reflect on sports and leisure as human rights. Radicalizing the case of Perruche and his desire to have the right to not-be, if we are living beings who own our bodies, how do we ethically confront in our professional practices those who do not wish to conform to social conditioning? Who wants to be unhealthy? Who wants to be non-muscular, non-vigorous, untrained, unhealthy, ugly, etc.? Who wants not to do physical activity? Who wants not to be subject of the universal right that naturally and individually imposes that they have to do sports or leisure? If we uncritically maintain that sports and leisure are human rights, can we accept that someone wants not to do these physical activities? Doesn't enacting them as human rights undermine our desire, our freedom, to be able to voluntarily choose to be sedentary? Going back to Perruche's will of not-to-be, the diversity of bodies shares the common point that they cannot not-be, that they are connected as living, individual beings.

Final reflections

Conceptualizing sports and leisure as human rights of diverse bodies implies conceiving the body and its conception as property. Recognizing that the idea of human right stems from liberalism and humanism, which comprises an individualism, and understanding that immunitary biopolitics transforms freedom, individuality or the body from a way of being—as Esposito claims—into a property, we must recall that, in the face of 20th century universalism, the opposite conception emerges, i.e., that of a diversity of bodies.

But what I maintain is that the idea of “diverse bodies” supports individualism at its core. Specially because it fails to break with the biological and legal individualism to which it appears to be doomed: thinking of “diverse bodies” entails isolation, presupposes our indivisible diversity, and compromises the idea that each has their own body.¹⁸ It implies the difficulty of, on the one hand, view the body as more than an object of politics and point out the limited potentialities of plural bodies; and, on the other, form collective body identifications¹⁹ outside the identity-based relations between body and individual. Such questioning, linked to essentiality and materiality, would allows us to form identifications—never eternal, never essential, never final, never universal, always relational.

Just as we can ask ourselves “diverse bodies for whom?,” we should question “sport and leisure as human rights for what and for whom?” The logical contradiction of thinking about a diversity of bodies under the universalism of norms (as with human rights) is resolved, it seems, by affirming a homogenization of bodies, and thus maintaining as a foundational idea that we are conceived—and cannot cease to be—as subjects of law, as living beings, as biological beings endowed with existence: that in the end we are in danger of reproducing that our anatomy is destiny, as denounced with Freud at the beginning.

I will complexify these issues with some final questions: are the reasons for arguing for sports or leisure as human rights rooted in viewing the body as biological? Even naturalizing and universalizing, inherited from the Declaration of the Rights of Man and of the Citizen? Doesn't the search for diverse bodies end up universalizing the subject? Doesn't seeking to convert cultural practices into human rights imply continuing to claim the moralistic values

¹⁸ Or as Zygmunt Bauman would put it, it limits our discourse to tolerance and never reaches solidarity. I thank Ivan Gomes for the comment.

¹⁹ Or as I named in previous research (Galak, 2009), the formation of plural bodies.

about the individual and the collective that have been reproduced since the 1948 “Universal Declaration of Human Rights”? Doesn’t it compromise the sense that we are all alike, and thereby deny our pluralities? Still on this track: can we envision human rights without the exercise of biopolitics? As a synthesis: can we elaborate a public policy about sports or leisure without some dose of government *over* or *of* life?

I don’t believe so. By presupposing the “life” and “subjects” of these rights, one ends up homogenizing the bodies involved in these practices. More specifically, going back to the examples with which I opened this article: what do we do with the *diverse bodies* of Saelua, Semenya, Millamán or Pistorius? What do professionals in Physical Education, body education, leisure or sports do with the Jaiyahs, the Casters, the Oscars, the Jessicas? In fact, what do we do with the diverse bodies we have in class? Do we think of them as “diverse bodies,” or do we keep defining those who are “diverse” as distinct, different from what we arbitrarily define as “normal,” as “norm,” as “universal”? As with Saelua or Millamán, only those who choose to oppose their anatomical, heteronormative, patriarchal destiny are diverse? As with Semenya or Pistorius, only those who escape the naturalization of the norm are diverse?

Doesn’t Physical Education in its different practices continue reproducing its individual liberalist and social biologicist foundations, reproducing the biological individualism that, as I pointed out, turned the discipline into a biopolitical apparatus? If we conceive of sports as human rights, shouldn’t we let everyone compete universally? If sports is a universal right and views the body as a property of the living being, shouldn’t we let Oscar Pistorius with his orthopedic legs compete in the “normal” Olympic Games, or in Semenya’s case, compete against people with the same anatomy? Isn’t it their universal right? How do we deal with Jaiyah Saelua as the first transgender women to play for a men’s football team, or approach Jessica Millamán, her legal identity as a woman and desire to compete in women’s field hockey? How do we solve the Gordian knot that gets tangled between biological identity vis-à-vis legal identity that escapes (in part) the anatomical-genital binarism?

In short, can sports practices be thought of in such isolation from social practices that something devalued or disadvantageous in everyday societies can be admitted as valued or advantageous in sports, or vice versa? This shows that there is no *universal*, only processes of universalization. There is no universal of bodies or subjects, nor of practices, although universal issues—such as rules—can be experienced.

Moreover, Semenya's recent incorporation into football opens up the question of whether she should undergo hormonal analysis as in athletics, which would open our questions to new horizons where the universal is reduced to a "case by case" situation.

Semenya, Pistorius, Millamán—their examples exposes the humanism and liberalism of human rights founded on biological individualism, the basis of political, rather than democratic, philo-totalitarian positions. Their condition as living, biological beings clashes with their diverse bodies: these are isolated cases, but they put into circulation, into question, into discussion, universal issues.

I will close with a well-known truth, but no less true for that: the idea of sport and leisure as human rights necessarily implies accepting that this introduces us into particular power relations. Although human rights intend to make class differences disappear, they are classist. Although human rights intend to make discriminatory gender differences disappear, they are heteronormative. Although human rights intend to make inequalities disappear, they preserve and reproduce them.

We must stop thinking about diverse bodies, which refer to individual identities, and start thinking about plural bodies, which lead us to consider collective identifications.

This does not mean abandoning the norm, primary refuge of the social contract. But one should reflect on its cultural character rather than interpret it as natural. Every norm is naturalizing, but it doesn't necessarily have to lead to a (new or conservative) normality. A first step is thus established: to break with the (con)fusion between norm, normality, and natural. One step towards this is to theoretically and politically support the distance that must exist between rights and human rights. In this regard, diversities cannot be interpreted from the materiality of bodies, but rather from cultural conceptualizations. In my understanding, this would engender a heterogeneity of body practices thought of not as the "inclusion of the diverse," but rather as the acceptance of living in complex, integrated, empathetic organized communities.

This means breaking with the immunological paradigm of biopolitics and returning the body to a communitarian sense, one that recognizes the importance of some biopolitical practices such as reducing child mortality, combating hunger or disease, criticizing sedentary lifestyles, or even developing literacy processes, but is not reduced to it, that does not consider

economic-political issues as the main criterion, nor reifies a universal biological medical concept of health.

It involves breaking with our essentialized identities and understanding that we are the effect of contingent practices. It implies breaking with the biopolitical sense of human rights that reduce the problem to individualism, to the ephemeral, to nihilism; not as a loss of meaning, but as an explosion of meaning, as an “everything is worth the same.”

This will allow us to disrupt the current biopolitical cog that leads to considering the body as property, and to resume exchanges, dialogues, faults, confusions, and contradictions.

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