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What Is Sport?

Steffen Borge

1. Introduction

In this essay I am going to present a condensed version of my theory of what sport is from my book *The Philosophy of Football*. In that work I took my starting point in Bernard Suits' celebrated, though controversial view that a game is "the voluntary attempt to overcome unnecessary obstacles" and a sport is a game that involves physical skills with a wide following and a wide level of stability (Suits 1978: 55, Suits 1973b: 56-60).¹ In the monograph I carefully worked through Suits' theory showing which clauses of the analysis could be kept, which had to be amended and which should be rejected, while adding other elements to provide an adequate understanding of sport. Here I will not follow suit. In this paper I will mostly focus on presenting my own positive view of what sport is and my reasons for holding it.²

Sport is an extra-ordinary, unnecessary, rule-based, competitive, skill-based physical activity or practice where there is cooperation to fulfil the prelusory goal of having a competition, where mere sport participants endure or tolerate the implementation of a sport's constitutive rules, whereas sport practitioners also aim at fulfilling sport's lusory goal of winning, minimally not losing, whichever sport competition they partake in.³

In what follows, I will first present the idea that sport is a social historical kind and how we should understand that, before addressing my suggested analysis of sport and how it fits our concept of sport and sports as we find them practiced by us. The idea that sport is a social historical kind should be uncontroversial, however, philosophers of sport have so far failed to explore this in any detail. My approach rectifies this. The understanding of the nature of sport presented here, as mentioned, builds on Suits, but, as will be clear, there are important and substantial changes and revisions, specifically, with regard to prelusory goals, limited means, and the lusory attitude.⁴

2. The Social Historical Kind of Sport

Orthodoxy has it that natural kinds come readymade independently of human thought and action. The borders and divisions between natural kinds are drawn by nature. Natural kinds “mark true joints in nature” (Armstrong 1997: 67). Social kinds, on the other hand, are the result of human activities and interests. Social kinds are “things that exist only because we believe them to exist” (Searle 1995: 1). Social kinds involve collective intentionality, i.e. by believing that something has a certain status or functions a certain way we make it the case that this something has a certain status or functions a certain way. However, not all social kinds involve collective intentionality, though importantly the social kind of sport does.

Let me sketch four types of social kinds and show why they do not capture the sport phenomenon.

1. Social kinds without collective intentionality (Borge 2019a: 74-76).
2. Social kinds without direct collective intentionality (Thomasson 2003a, 2003b).
3. Social kinds based on direct collective intentionality, which allow for token exceptions (Searle 1995, 2010).
4. Social kinds based on direct collective intentionality, which do not allow for token exceptions (Khalidi 2013, 2015).

Examples of the first category of social kinds are certain types of fashions or trends, where either the participants are unaware of being part of a fashion or a trend, or else could even consciously deny that they were. Examples of the second category of social kinds are recession or racism in societies that neither have an awareness of such phenomena nor any concept of recession or racism. Both these social kinds are opaque.

Regarding the first type of social kind and the fashion case, the kind does not involve collective intentionality, since clothing or wearing clothes is not in itself a social kind. The second type of social kind does not directly involve collective intentionality, since you need not think of yourself as undergoing a recession or be a racist for you to experience a recession or be a racist. However, both recession and racism rely on the social kinds of money and race, and these do involve collective intentionality. Both types of social kinds show that there can be social kinds without mutual recognition of the phenomenon in question being what it is, i.e. lacking collective intentionality. Sport, however, is not like that. If there is not some sort of understanding that what we are now doing counts as partaking in a sport competition, then

no sport is taking place. A sport like footrace does not just happen without the knowledge of the sport performers, unless you are unwittingly part of someone else's organized sport event in which case the question of the social kind of sport and collective intentionality pertains not to the sport performers, but to the organizers of the sport event. If you think greyhound races count as a sport, then it is not because you think the hounds themselves regard their racing as part of a sport competition, but because the organizers, owners of the dogs, the audience, etc. have organized it as a sport competition and regard it as such. If you are prone to reject greyhound racing and other similar activities or practices as sport, then it is most likely because the alleged sport performers do not regard or are even capable of regarding such events as sport competitions. In both reactions to the greyhound races case the conclusion is the same; without collective intentionality in the equation of sport there are no sport or sport events.

Sport is a social kind with collective intentionality at its centre. It is a transparent social kind, though the transparency-relation need not pertain directly to the sport performers. The greyhound races case shows this to be the case. If one rejects that case as a genuine case of sport, then the case of young children being habituated into a sport with little or no grasp of the fact that they are doing a sport gives the same result. That leaves us with the third and fourth category of social kinds to consider. Money is a favoured type of entity for showing how certain social kinds rely on collective intentionality. In itself a banknote is not worth much, but because we treat it as if it has a certain value for getting goods and services, the latter function is transferred onto banknotes. Banknotes are valuable because we believe that they are valuable and act on that belief. Money in general relies on collective intentionality for it to count as money and function the way it does, though individual tokens of the money type are exempt. If a banknote unnoticed falls off the printing press and is never seen again, it still counts as money (Searle 1995: 33, Khalidi 2013: 152). The token, i.e. the banknote, counts as money, i.e. the type, by courtesy of being a token of that type, even when the token itself is never subjected to the collective intentionality of being regarded as money.⁵ This gives us a social kind based on direct collective intentionality, which allows for token exceptions. Sports, on the other hand, are activities or practices, and they cannot go astray in the same way as a banknote can. It hardly makes sense to try and imagine wayward sport events that somehow escape collective intentionality, while still counting as sport events. The third category of social kinds is not quite suited for understanding sport. The fourth category fares no better with regard to sport, since it allows inclusion in the social kind by fiat. For example, in order to be a permanent resident of a country you need to be recognized by the

correct authorities as counting as being a permanent resident. There are no token exceptions. If you are not a permanent resident of a country, but an eligible candidate, then the status can be bestowed upon you by fiat. When that happens nothing about you changes apart from a change in status. These social kinds “are more strictly institutional or conventional” (Khalidi 2015: 102). Sports, on the other hand, are not like that. Sport is a structural phenomenon, where you cannot turn a non-sport activity or practice into a sport by merely declaring that it is now a sport. Sport is not only skin deep.

The key to understanding sport is to see that the structural phenomenon of sport is also a historical kind that evolves. The social historical kind of sport does not allow token exception with regard to collective intentionality nor is it merely institutional or conventional allowing kind membership by fiat, but it does make room for stage exceptions regarding collective intentionality and the kind itself.

5. Social kinds based on direct collective intentionality, which allows for stage exceptions regarding the social kind itself (Borge 2019a: 86-94).

A quite common take on the genesis or origin of sport is to argue that sport grew out of cultic or ritualistic activities or practices. Some argue that this first happened in ancient Greece. Whether this is the only birthplace of sport is debatable, what is not is that it did happen there. Archaeologists and historians depict this as a gradual process. At one stage in history, there are only cultic or ritualistic activities or practices, at a later stage some cultic or ritualistic activities or practices had become sports, and somewhere in-between the ancient Greek sport phenomenon was born. Sarah Murray tells us that “[f]ootraces as initiation rites are themselves quite common in Ancient Greece”, and that the first ancient Olympics “consisted of a single foot race, the *stadion*” (Murray 2015: 437). The *stadion*, once probably an initiation rite, later became a footrace. In the in-between period there is a stage of development of this activity or practice where it is reasonable to talk of that stage as being both the dusk of the *stadion* as an initiation rite and also the dawn of the *stadion* as a sport. Two different social kinds – an initiation rite and a sport – can share a stage of development. In that transitional stage, where the form of the *stadion* remains the same, but its inside is changing, i.e. the activity or practice is also becoming sport-like or a sport, there need not be an awareness among the people partaking in the *stadion* that they are now also doing a sport (Borge 2019a: 83-94). The idea here is simply that various social kinds and phenomena tend not to come fully formed, but rather are the results of slow changes, where the social kinds or

phenomena mature into their paradigmatic forms over time. Regarding the first stage or stages of the sport phenomenon as it emerged in ancient Greece, we allow that the people participating in that activity or practice at that stage or stages do not necessarily see themselves as being part of a sport or sport, and that is what it means for sport to be a social kind that allows for stage exceptions regarding collective intentionality and the social kind itself.

We need to accommodate the following in our theory of what sort of social historical kind sport is. First there is the observation found among archaeologists and historians writing on the genesis or origin of sport in ancient Greece that sport emerges gradually from cultic or ritualistic activities or practices and that the archaeological and historical evidence does not allow for a sharp cut-off point between non-sport and sport. At the same time, there is the fact that sport has collective intentionality at centre stage. We accommodate the first strand by allowing that the first stage or stages of sport can also be the last stage or stages of another social historical kind – in the ancient Greece case that other social historical kind or kinds are cultic or ritualistic activities or practices –, and that in the first stage or stages of the sports of ancient Greece there need not be awareness that one at that stage or stages is doing something sport-like or a sport. The latter is the idea that at that stage or stages of sport there is no direct collective intentionality regarding the social kind itself. If archaeologists and historians tell us that a certain stage or stages of an historical development have enough features of what we view as sport and furthermore stand in a uninterrupted causal historical connection to that which became sport – the social historical kind of sport based on direct collective intentionality –, then that stage or stages get included in the social historical kind of sport by courtesy of those features and how that stage or stages are connected to the full-formed or mature social historical kind of sport with collective intentionality at its base. The full-formed or mature social historical kind of sport frames that first stage or stages as belonging to that kind, even if that stage or stages lack collective intentionality with regard to the kind itself. These are the stage exceptions regarding collective intentionality and the social kind itself that the sport phenomenon allows. This, then, is how we accommodate the second strand, while remaining true to the archaeological and historical evidence, since the full-formed or mature social historical kind of sport has collective intentionality at centre stage.⁶

We find the same phenomenon of stage exception regarding collective intentionality and the social kind of sport, when we look at cases where a sport undergoes fission into two sports.⁷ Obviously, there are many differences between the case of a transition from non-sport to sport and the case where a sport spawns two new sports. However, the two types of cases

show that this type of social historical kind can share a stage or stages with another social historical kind and that it allows for stage exception regarding collective intentionality and the social kind itself. In my book I show how this is the case with what I call proto-football and the fact that proto-football spawned both association football and Rugby football (Borge 2019a: 94-100). The last proto-football stage or stages are part of the social historical kinds of both association football and Rugby football, though at that stage or stages there was no awareness, i.e. collective intentionality, of either playing association football or Rugby football. Again, this gives us sport and sports as a social historical kind based on direct collective intentionality, which allows for stage exceptions regarding the social kind itself.

3. The Analysis of Sport

The social historical kind of sport has *a surface, an inside, and an outside (or context)*. The surface of a sport is its formal rules, its rulebook, or the blueprint of the sport. It is the form of the activity or practice. The surface of the ancient Greek stadion could have remained fully unchanged when it transitioned from being an initiation rite to becoming a sport. The inside of the stadion, on the other hand, changed, when it became a sport. The inside of such activities or practices is a question of what one aims at achieving by or in doing them, and clearly the internal or intrinsic aim or purpose of an initiation rite differs from that of a sport. A form like the stadion form can partake in various kinds of activities or practices, but it is only sport, if the internal or intrinsic aim or purpose of the activity or practice is to win, i.e. when it is a competition of a specific kind and not something else.⁸ What people engaged in sport aim at and see themselves as aiming at counts as the inside of sport. However, sport's internal or intrinsic aim of winning by whichever means a particular sport form makes available cannot be the external purpose of sport, i.e. the outside of sport. Joseph Kupfer argues that an “activity *exists* for the sake of its purpose” and since “we do not independently value scoring or winning and only subsequently alight upon the playing of this game simply as a means to the score or the win” we must look elsewhere for the external purpose or function of sport (Kupfer 1983: 120). The reason why humans invented sports could not be to win sport competitions, since that purpose was not available to us until the practice of sport was in place. The outside of sport – the context in which sport came about and has thrived – includes the psychological and social setting in which sport takes place, and it explains why sport in its various manifestations either survives and thrives, or else is abandoned and dies. Regarding association football I have suggested competition, domination and identity making as external

purposes or functions of the sport and shown how those features are mirrored on the inside of association football and on its surface. Though it should be clear from the treatment of the aesthetics of football in the book, it is worth being explicit on the fact that creating dramas and dramatic situations to live through or engage in as sport performers and spectators is also a reason for why the sport phenomenon of association football thrives in our current cultural and social climate. In-depth studies of other sports might reveal other alternative candidates for being the external purposes or functions of those sports, though I suspect that competition, i.e. having a means to compete with each other, will be part of any known sport's external purpose or function. Importantly, humans compete with each other in almost all walks of life, so sport as a vehicle that allows us to compete with each other must be offering something different than the other venues of competition do. And sport does, because the sport competition is both extra-ordinary and unnecessary.

Sport is not an everyday ordinary world activity or practice. Sport and sport events do not occur as part of our everyday struggle to make a living for ourselves. Furthermore, unlike, for example, court proceedings, sport and sport events are not an extension of everyday ordinary world activities or practices. Normally, we do not settle everyday ordinary world conflicts and disagreement in the sport arena. Rather, we engage in such activities or practices not because we have to, but for the fun of it – as a diversion, entertainment, recreation or pastime. It is an extra added onto the ordinary. Sport qua sport is not undertaken as a means for survival or reproduction, nor is winning or aiming at winning sport competitions deemed as valuable with regard to ordinary world everyday concerns and as part of our quest to better our circumstances. Furthermore, sport does not in the normal case provide sports performers and their spectators with valuable academic or artistic insights into any specific topic or is indirectly valuable for ordinary world everyday concerns by providing a venue for addressing and dealing with such issues.⁹ In this sense, sport is autotelic, done for its own sake. Sport does not aim at reaching outside itself. Instead, the aim of sport practitioners is to win whichever sport competition they are part of. This is the sense in which sport is unnecessary. Sport is not needed for solving ordinary world everyday concerns, it does not address or is about or is seen as addressing or being about such concerns. The consequences of the outcomes of sport competitions for negotiating or solving these ordinary world everyday concerns are mostly negligible. This is not to suggest that the sport world is a world of its own. No part of human existence is fully closed off from its other parts. Rather, sport enjoys a certain own-worldliness. Also, even though when seen from the inside sport is autotelic, the sport phenomenon has been fairly durable and is currently enjoying a widespread popularity,

so there is an outside to sport in need of explanation. Regarding the context in which sport past and present takes place we look for a purpose or function of sport. Why these useless competitions that in themselves solve nothing? Why this strife to be the best, or at least better than someone else at these inconsequential challenges? Answering those questions is to try to provide candidates for external purposes or functions of sport, which is not in opposition to the observation that from the inside of sport and with regard to ordinary world everyday concerns sport is both extra-ordinary and unnecessary.¹⁰

Sport has various roots or sources. We have already addressed how some sports had cultic or ritualistic beginnings. Another source or root of sport is play and play behaviour. Looking at play in both human and non-human animals we find that play differs from everyday life and that actions done in play mode do not have the same consequences as similar actions would have had, if done in a non-play or serious mode. Ordinary world behaviour and their play counterparts like fights and play fights are different in kind. The first belong to the ordinary world, address ordinary everyday life concerns and have serious consequences, whereas the latter do not. Play differs from goal-directed behaviours. The aim of play is the continuation of play. The phenomenon of self-handicapping when playing shows this to be the case. Because play does not target any end-state, but instead the continuation of play, it sometimes occurs that both human and nonhuman animals engage in self-handicapping. The stronger more dominant animal finds ways to not exert that strength or dominance in order to keep the play activity going. Play opens up a space from which sport can emerge. One can take play activities like social play of the rough-and-tumble variety and turn them into sports by substituting the goal of continuation of play with the goal of achieving a specific end-state, such as overpowering an opponent, crossing a line, etc., together with procedures for deciding who counts as the winner of the contest, better than other contestants, and so on and so forth for various sport set-ups. In order to sportify play, you must introduce certain constitutive rules. First you must introduce certain end-states, which sport performers are supposed to aim at achieving and define these through a constitutive rule as counting as thus-and-thus in the sport. Reaching this line (end-state) counts as finishing the 100-metres dash, the hockey puck arriving over the goal line, between the goalposts and under the crossbar (end-state) counts as scoring a goal in ice hockey, and so on and so forth for other types of sports.¹¹ Furthermore, you also need a constitutive rule of the sport in question, which defines and prescribes a method for ranking the competitors, i.e. what counts as winning the sport competition, what count as being better than someone else in the sport competition, what counts as the competition ending in a draw, and so on and so forth

all depending on how the constitutive rules of various sports solve the question of ranking. Without any such constitutive rules you do not have sport or sport events like a 100 metres dash, an ice hockey match and so on and so forth. Why? Again, this is because sport does not occur in the ordinary everyday world course of events nor does it exist until we have decided on what count as what regarding end-states to aim at and the procedure for ranking the participants.¹² Specified end-states to aim at and ways of ranking competitors give us sports. This is the sense in which sport is rule-based. Furthermore, in most, perhaps all human sports, the constitutive rules place limitations on the means by which sport performers can do their sport.¹³ However, inefficient means is not a necessary condition for an activity or practice to be a sport, but a rational possibility within the sport logic of such unnecessary activities or practices. In sports, there is no point in insisting on necessarily doing what there is no need for you to do in the most efficient way possible. However, if you like to do your sport in the most efficient way possible, you can. The hand of sport logic is not going to stop you.¹⁴

The requirement of sport being a competitive activity or practice might strike some as too obvious to warrant any further elucidation. However, it is not a given that at least sport-like, but non-competitive activities or practices like sport fishing, non-competitive surfing, parkour, etc. are not sports. Unless one wants to settle for a trench war of intuitions over contested and controversial cases, then some sort of argument for why non-competitive activities or practices like the ones mentioned above should not count as sport is needed. Furthermore, there is a Wittgenstein inspired tradition that has it that any attempt to analyse anything is moribund and that the only viable method of philosophizing about these things is to track the family resemblance between various phenomena (Wittgenstein 1967: § 66-67). Clearly activities or practices like sport fishing, non-competitive surfing, parkour, etc. are connected family resemblance style to various sports like javelin, competitive surfing, gymnastics, etc. However, the Wittgenstein line of family resemblance will not do. Understanding why that style of reasoning is untenable in our case and thinking about how to do analysis for a social historical kind like sport provides us with the rationale for settling on a conception of sport that includes that the various sports are competitions.

Unchecked or unrestricted Wittgensteinianism of family resemblance reasoning leads to the conclusion that everything is sport or, conversely, that nothing is sport. When seen globally, family resemblance lines will connect anything with everything else. Some activities or practices are sport, but not all, and conversely, some activities or practices are not sport, but some are. When seen as a method for settling the borders of the sport domain and a way to decide which activities or practices count as sport and which do not, the family resemblance

idea is a non-starter. On the other hand, there is something intuitively appealing about family resemblance, when thinking about social historical kinds like sport. Supposedly, natural kinds have their borders settled by nature, whereas social historical kinds do not have those types of hard borders. The lack of clear cut-off points for a social historical kind like sport is well documented in cases of the gradual transition between something being a non-sport to becoming a sport like the case of the ancient Greek stadion moving from being rite to becoming a sport. Given this sort of data, perhaps we should not expect the level of definiteness that analysis is supposed to deliver with regard to the question of what sport is. When thinking about social historical kinds we seem to be caught between the unruliness of the Wittgensteinian family resemblance method and the insensitivity that analysis seem to have with regard to kinds that are products of historical development and prone to change.

The way out of the conundrum is to borrow a page from the proto-type theory book and use it as a starting point for analysing the sport phenomenon and then add to the mix a methodological principle from David Lewis on how to deal with or settle contested and controversial cases on the fringes of the domain. The point of departure for our inquiry into the nature of sport is indexed to the present and our understanding of what counts as sport. Instead of relying on the intuitions of each individual theorist of sport, we consult empirical studies on categorization judgements of prototypicality of sports. The proto-type theorists deliver the prototypical sports. Then we amend the methodological principle from Lewis a little and argue that an analysis of sport must get the prototypical sports right, while our best analysis of the prototypical sport gets to settle the borders of the sport domain, i.e. rule on which of the contested and controversial cases are to count as sport and which are not to count as sport (Lewis 1986a: 194).¹⁵ The result of consulting judgment of goodness of category membership is that your prototypical sports are competitive activities or practises (Rosch 1973: 133, Rosch 1975: 232, Hampton and Gardiner 1983: 512, Armstrong, Gleitman and Gleitman 1983: 276). Our best analysis of the prototypical sports includes that sports are competitions. Non-competitive athletic activities or practices, which are among the contested and controversial cases at the fringes of the sport domain, are thus ruled out as not being sports. Also, when we consider the sport domain and some typical fringe cases that involve athleticism, but which are non-competitive like mountaineering, non-competitive cross-country skiing, parkour, non-competitive surfing, etc., we find that in order to make the above-mentioned activities or practices into competitions, we must change the inside of the activity or practice. The non-competitive mountaineer aims at climbing to the top of a mountain, to traverse a cliff and so on, whereas the climber that is part of a competition

primarily aims at being better than the other competitors, i.e. to win the competition. The former takes a test or is part of a test, whereas the latter does a contest or is part of a contest (Kretchmar 1975).¹⁶ This is a difference in kind. Contests are competitions. You might easily turn a test into a contest, but not without changing the internal or intrinsic aim of tests, i.e. the inside of the activity or practice. Given that the prototypical sports are competitions and that to change a non-competitive athletic activity or practice into a competition involve changing the inside of that activity or practice, we are warranted in concluding that being a competition is part of being a sport.

Most researchers in the field of the philosophy of sport agree that sports are activities or practices “involving, centrally, physical skills” (McNamee 2008: 19). However, this general consensus does not make it any less tricky to pinpoint exactly what it means that the various sports we play are essentially physical activities or practices, or involve centrally physical skills. A way of approaching the question of sport and the physicality requirement is to consider the question of whether chess should be regarded as a sport. Chess is a contested and controversial case regarding membership in the category of sport. The skills involved in playing chess are not centrally or essentially physical. We show that through the thought experiment of mind chess, where we envisage two clairvoyants playing chess with each other. They would not need to move neither their bodies nor the physical chess pieces. Still, they would be playing chess. Mind chess is recognizable *as* chess. Contrast this with prototypical sports like association football, ice hockey, the 100-metre dash, and so on and so forth. If we consider mind versions of these sports – mind association football, mind ice hockey, mind 100-metre dash, etc. –, we find that it hardly makes sense to think of mind versions of these competitive activities or practices, and even if it did, they would be different than the original sports. Mind association football is not association football, mind ice hockey is not ice hockey, the mind 100-metre dash is not the 100-metre dash, etc. The thought experiment gives us a method for delineating sports, which are essentially physical, from games like chess, where the physicality of the game is inessential. Furthermore, should anyone suggest that our argument only shows that chess is not essentially physical or centrally involve physical skills, but not that it is not a sport, then the Lewis methodology rules chess out as a sport. The prototypical sports are essentially physical or centrally involve physical skills and their mind counterparts, if even possible, are something else. Analysis better get these prototypical sports right and when analysis gets these right, it means that contested and controversial cases in the sport domain like chess and other similar activities or practices,

which are not essentially physical or involve centrally physical skills, fall short of being sports.¹⁷

The skill requirement for sport is also accepted across the board among scholars of various disciplines that deals with sport. Processes that cannot be influenced by the agents that are part of such processes and those that can are different in kind. Sport as conceived by us belongs to the latter category. Sports involve skills and that minimally entails action alternatives for the sport performers to chose between. Even though it is generally accepted that sport is skill-based, it is important to understand how that seems to be a prerequisite for human engagement in sport given that sport is both extra-ordinary and unnecessary. The ordinary everyday world engages us, even many of the aspects that are outside the human sphere of influence. Sport events are not in our ordinary course of life thrown upon us as something we have do deal with, they are not extensions or consequences of ordinary world everyday concerns, or otherwise useful vehicles to address or deal with such concerns. Notwithstanding that sport has external purposes or functions, sports are activities or practices that we create or seek out for our own pleasure, and for them to be something we can engage in they need to reflect back on us. Games are similar to sport in this regard. However, games differ from sport in that they both come as games of skills and games of chance. Consider the latter. The six number game of Lotto without prizes will not engage us as players. Why? It is because the outcome of the game does not reflect back on us. There is nothing to be won and picking the winning numbers is a matter of luck. How then do we make such a game engaging? The games of chance can borrow a tool from the ordinary everyday world; money. The moment a game of chance like Lotto provides a possibility of getting a substantial sum of money for the players, then the outcome reflects back on us, bettering our financial situation, and we are able to engage in the game. Similarly, we need skills to engender human engagement in sport. Attempts to execute skills reflect back on us. When engaging in a test, the execution of skills or lack of thereof produces our achievements or failures. Because a test is skill-based, the end-result reflects back on the test taker. It reveals whether he or she had the appropriate skills to overcome the test. When engaging in the type of contest that sports are, skills are a central and indispensable part of the equation that makes us into winners and losers, or better-than and worse-than each other. The end-result reveals both how the contestants tackled whichever tests the competition included and how they compare to each other skill-wise. Obviously, in sport competitions the end-result can be heavily influenced by chance, but that does not threaten the skill requirement. Skills in sport are not a be all and end all. Some sports like association football is quite chancy and there are reasons to believe that

the high level of chanciness is part of the charm of association football. However, even in association football skills play a big enough role for it to fulfil the requirement unproblematically. There might be intermediate cases with regard to the ratio between skills and chance where it is not clear whether an activity or practice should count as a sport or not. This is to be expected for a social historical kind like sport.

In sport we get together to share a test where we try to defeat or beat each other all according to whichever procedure for ranking we have in place. We cooperate to have a conflict. Prelusory, that is, before playing, our goal is to have a sport to do. Our prelusory goal is to have a sport event, i.e. a specific type of competition. Various things will enter into the preparation of having a sport to play or arranging a specific sport event. In the latter case, when there is already an established sport we are going to play, something as simple as having agreed upon time and place to play are important parts of the prelusory goal in question. The requirement of time and place does not place limitations upon the means by which we can play a specific sport, because before an agreed upon time and space to play, there is no sport event taking place and thus one cannot place limitations upon the means by which one plays the sport since there is no sport playing yet taking place.¹⁸

Prelusory we cooperate with each other to play a sport, lusory, in and when playing a sport, on the other hand, we aim at winning the sport competition, i.e. beating the other competitors. The lusory attitude needed for there to be sport is that one aims at winning the extra-ordinary and unnecessary conflict that a sport competition is, where the latter entails accepting the rules of a sport and their implementation. If you want to win a 100 metres sprint race, then you also want to adhere to the prelusory set-up that proscribes where and when one starts the race and lusory part of participating with its the constitutive rules on how to run the 100-metres dash and what count as the goal line of that competition. In this case, you do not want to just run any old stretch of 100 metres at any old time. You want to run a particular track at a particular time, which counts a specific 100-metre dash competition. In order to achieve that you must pay attention to the rules of the 100-metres and their implementation in this particular instance. This does not mean that in order to partake in a sport and be a sport performer you cannot break any of that sport's constitutive rules. Take a sport like association football. One of the most central constitutive rules of association football is the handball rule. In fact, the handball rule is one of the rules that defined association football from Rugby football in the period where proto-football fissioned into the latter two sports (see Harvey 2005: 140-141, 144-166, Collins 2017: 33, Collins 2019: 31-37).¹⁹ Still, no matter how central or essential the handball rule is to association football, the rule is frequently violated

by footballers. Clearly, you can break the handball rule and still play association football and be a footballer, and likewise for other constitutive rules of other sports. Instead, all it takes to partake in a sport event and be a sport performer is to endure, obey or accept the arbitration of the rules of the sport through which the sport form in question is implemented.²⁰ You must endure or tolerate the rule arbitration of the sport event you are part of. Sport performers like greyhounds or young children endure the arbitration of the rules of some sport, whereas other sport performers might understand that they are part of a sport, but have other motives for participating than winning the competition in question or doing better than others. These are sport participants. However, there is no sport without sport practitioners, who not only suffers the arbitration of the rules of a sport, but who also uses the form of the activity or practice in question with the aim of fulfilling the sport's internal or intrinsic aim or goal of winning, minimally not losing the competition, thus accepting the rules of the game.²¹ This is the lusory attitude of sport. The lusory attitude of sport is best seen as a sincerity condition of sport. In a case where there used to be practitioners of a specific sport form, but as time passes performers are otherwise motivated, until there are only participants in the alleged sport, while the form of the activity or practice remains intact, then the original social historical kind of that specific sport has gone out of existence and something else has come in its place. When inside of the activity or practice of a sport changes to this degree, even though the form of the activity or practice is stable, i.e. its surface is unchanged, then one social historical kind has replaced the other. Regarding the question of when one social historical kind stops and another social historical replaces it, philosophers do well to consult archaeologist, historians and the like. We should not expect sharp cut-off points, but instead, as already argued, accept that social historical kinds bleed into each other and overlap.

4. Conclusion

Sport is a social historical kind and it relies on how the participants and practitioners of the kind behave and their attitude towards the kind itself. Collective intentionality is key for understanding the social historical kind of sport. The sport phenomenon survives by new members and generations being incorporated and assimilated into the practice as practitioners of various sports. One way to think about social historical kinds is as spacetime worms that exist over time. These can and do change. We can individuate the social historical kind of sport and its various manifestations as individual sports by way of form and function, that is the surfaces of particular sports and the inside of sport, the latter being the internal or intrinsic

aim or purpose of sport. When the practitioners of a particular sport are pursuing the internal or intrinsic aim or purpose of sport, then the sport form in question is being used. Sport *qua* sport will not survive a fundamental change of its internal or intrinsic aim or purpose, but the form of a particular sport or the forms of sport in general can survive such a change. When the inside of a social historical kind like an individual sport fully changes, while the form remains the same as before, then the sport kind goes out of existence and the form at that point partakes in another type of social historical kind.

Our analysis of sport is indexed to our present understanding of sport. Since social historical kinds do not have natural borders, the fringes of the sport domain are not settled and there are contested and controversial cases with regard to kind membership. We bring discipline to the proceedings by adhering to the principle that our analysis must capture the prototypical sports, which we find by looking at the empirical data on categorization judgements of prototypicality or goodness of category membership regarding the category of sport. Our arguments for how to analyse and understand the sport phenomenon has given an end result that fits the prototypical sports, and that analysis is then used to settle the borders of the sport domain. This is what we have done. However, we do well to remember that our research topic of sport is a moving target. Regarding a social historical kind like sport there is always a possibility that what is deemed sport at one stage is a very different type of activity or practice than what is thought of as sport at a later stage, or that the judgements on prototypicality or goodness of membership of sport lacks consistency. Our amended Lewis line as presented had it that theory must agree with that which is considered prototypical sports, but, as it turns out, the relationship between theory and the above mentioned data, is “a matter of balance and judgement” (Lewis 1986b: 134). If, say, chess at some future point in time moves into the centre or centres of our judgments of the prototypicality of sports, we might still withhold the status of sport from the practice of chess. Our philosophical arguments for why chess is so different from the activities or practices we have described as sport will still hold. We can, in such a scenario, refuse to be dictated by evaluations of prototypicality and instead argue that with regard to chess the subjects reporting on prototypical sports are conceptually confused. Should a whole host of games that like chess are not essentially physical, or do not centrally involve physical skills, at one point all be seen as prototypical sports, then most likely one would argue that our concept of sport has changed to now also include non-physical sports. In that case, the divide between activities or practices like association football, the 100-metres dash, ice hockey, etc. and chess and other similar board games will still be as deep and fundamental, only the word and concept of sport now

seem to be applied to both types of activities or practices. Finally, consider a scenario in which chess and other similar board games occupy the centre or centres of prototypicality assessments, while practices like association football, American football, tennis, badminton, basketball, etc. are pushed to the fringes as contested and controversial cases of what is now seen as sport. In that case, I believe that the natural thing to say is that we are dealing with a new and different concept of sport than the one we have at present. All these are live possibilities when thinking about social historical kinds like sport.

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¹ Early Suits argued that all sports are games (Suits 1973, 1978). Later Suits modified the view and admitted that some sports are not games (Suits 1988, 1989).

² On the scholarly issue of situating my view in the literature, I will, where this might be needed, deal with that in the footnotes. Obviously, I also confer my reader to the book.

³ I am not going to worry about the presence of various types of league systems in some sports. I leave to my reader to amend for such sport setups.

⁴ Philosophers of sport might be puzzled to find that I do not emphasises my rejection of Suits' requirements of sport having a wide following with a wide level of stability. I find these parts of Suits' original analysis weak and badly motivated, thus I will not spend any time on it in this paper. For a critique of this part of Suits, see McNamee 2008: 15 and Borge 2019a: 160. Notice also that I find McNamee's bog snorkelling case a compelling counterexample to Suits requirement of sports having a wide following (McNamee 2008: 9-10).

⁵ This is the Searle-Khalidi view. Intuitively, it seem correct to say that if someone found this note, they found money and queer to say that they didn't really find money, but instead by finding the note they turned it into money.

⁶ Engaging in a bit of counterfactual history thinking brings this point home. Imagine that in the transitional stage or stages between non-sport and sport in ancient Greece, history took another turn and the ancient Greeks did not develop sports as we know them from, for example, the athletic contests at Olympia, Nemea, Istmia and Delphi, which “became known as the “circuit” (*periodos*) of sacred crown games” (Kyle 2014: 23). In that counterfactual scenario that stage or stages would not count as sport, because without the full-formed or mature social historical kind of sport in the picture to frame that stage or stages as sport, collective intentionality in no longer part of the equation and without collective intentionality there are no sports.

⁷ Notice that social historical kinds like sport can undergo both fission and fusion. Chess boxing is a candidate for being considered the result of a fusion of social kinds – the sport of boxing and the game of chess.

⁸ Nowhere in this essay do I assume that there is some ontological entity called sport activity or practice independently of there being individuals doing that activity or partaking in that practice. Furthermore, I do not assume that collectives over and above the individual members of such collectives can have intentional states like aiming at something. Apart from these, I believe, fairly uncontroversial clarifications, I take it that there is no need for me to enter the fray of debates on methodological individualism in the social sciences. When I write that the aim of a social historical kind like an initiation rite is different than that of a social historical kind of sport, I am assuming that this is constituted by or connected to individuals that are doing such activities or partaking in such practices. It is these individuals that aim at something or another. Clearly, an individual sport performer might have other aims by doing the sport than winning the competition – he or she might be entering into the sport event with the sole intent of impressing the opposite or same sex (for further obvious reasons), carrying out aesthetically pleasing bodily movements, performing health-promoting movements, and so on and so forth –, but unless, at least and minimally, someone or another aims at winning, we do not have a sport. Winning is the internal or intrinsic aim or purpose of sport. The lusory goal of sport is to win and as will be clear, this is also reflected in the lusory attitude required for sport. In the book I put this point in terms of it being a requirement for there to be sport that the sport form of whatever sport we are considering is used. I defined usage of a sport form as deployment of the sport form in accordance with the sport's internal aim or purpose, i.e. aiming to achieve the internal aim or purpose of the sport. In order to do or play a particular sport, you have to use the sport form and using the sport form is to try to win whichever sport competition you are engaged in. This is the paradigmatic or prototypical manner in which the sport form partakes in a relation to a function – function here pertaining to the inside of a sport, i.e. the internal or intrinsic aim of the sport –, and without it there would not be sports. Usage of a sport form should be regarded as a sincerity condition of sport. Had there not been use of the sport form, then there would not have been the sport in question. In the book I spend some time distinguishing various relations a sport form can partake in – use, abuse, application, appropriation and parroting –, and I argue that the default or standard aim of the activity must be to win the competition – the latter being the lusory goal of sport (Borge 2019a: 100-107). The sport form in question must be used. A reader does well to notice that with regard to the question of when a sport form is used and when it, as it might be, is abused, applied, appropriated or parroted, there is more to such considerations than merely counting heads with regard to the question of usage of the sport form and fulfilling the sincerity condition of sport. Questions of social position, power, hierarchy, hegemony, institutions, etc. with regard to players, coaches, owners, audiences, and others

connected to a specific sport event or a period of a sport's existence might come to bear on such considerations. Philosophers of sport might do well in considering consulting historians and sociologists on such issues. At this point in the essay I will not defend the claim that aiming at winning is an internal or intrinsic part of sport. I return the question of how to think about the alleged requirement of sports being competitive when I later in this paper consider nature sports like non-competitive surfing and non-competitive activities and practices like parkour. Still, I might note at this point that some might argue that Robert Simon's theory of sport represent a competitor view to my line of sport being about winning. This competitor view, it might be suggested, is that sport is primarily about sport-specific athletic excellences. The line would have it that Simon has argued that the sport competition is a mutual quest for excellence and that does not entail winning all the time. I would find such a suggestion curious, because reading Simon I find no such idea. What I do find is something different. Simon is not presenting an argument about how sports actually are done and perceived by their spectators, rather he presents an argument for how he thinks sports ought to be in order for sport competitions to be ethically defensible. Simon tells us that his line on sport "as a mutually accepted quest for excellence through challenge" is motivated by how "sport should be regarded and engaged in", i.e. "the ethical significance of competition conceived of as a mutual quest for excellence", which is not how sports are actually done and conceived of, since, in fact, "[c]ompetition as the mutual quest for excellence, it must be emphasized, is an ideal" (Simon 2004: 27, 27, 32, 39). Sigmund Loland commenting on the fourth edition of Simon's work, points out that the work is "written on the normative premise of sport as 'a mutual quest for excellence in the intelligent and directed use of athletic skills in the face of challenge'" (Loland 2015: 334, Simon, Torres and Hager 2015). My view of sport is not premised on any normative principles of how one wished things could be or turn out, thus the Simon picture does not make contact with the view presented here. Simon's project is different than mine – I want to understand sport as it is, Simon wants something else. The view presented in this paper is not threaten by the normative premise that sport competitions ought to be mutual quests for excellence in the intelligent and directed use of athletic skills in the face of challenge.

⁹ At least some types of art products can be said to be aimed at and sometimes succeeding in doing the latter (see footnote 10).

¹⁰ The extra-ordinary is understood as that which comes on top of or alongside the ordinary everyday world of common concerns, and which is generally conceived of as something different than everyday life. This way of delineating the extra-ordinary might seem almost trivial or vacuous. However, I am not sure if the activities and practices that come on top of or alongside the ordinary – ranging from penance to minigolf – have much more in common than being something other than the ordinary. The notion of "the extra-ordinary" proves its worth not by its definition or the delineation it provides, but by helping us to show or point to exemplars of the extra-ordinary that fit the bill of not being ordinary world activities or practices. Both the sacred and the art world are paradigmatic examples of domains that are understood by us as being something other than our everyday life. A particular bodily movement within a sacred context, such as a religious ritual, is something different and is understood differently than the same type of bodily movement carried out as part of, say, manual labour. We relate to and perceive a particular bodily movement very differently if we believe or know it is part of a religious ritual – the sacred and extra-ordinary domain – than if we believe or know it is part of a person's everyday labour – the profane and ordinary domain. The same applies to art. Take, for example, the ready-made art of Marcel Duchamp, for example, *Fountain* (1915). We behave quite differently towards a urinal from the Bedfordshire model porcelain urinal production line when it is presented as art in a gallery – the profane and extra-ordinary domain – than we do when encountering it in the men's room

at the local pub – the profane and ordinary domain. Indeed, when presenting *Fountain* Duchamp exploited the fact that we conceive of things presented as art in a gallery differently than we do when encountering them in ordinary life, i.e. the ordinary world. I doubt, however, that there are many other interesting commonalities between a religious ritual like, say, communion, Duchamp's *Fountain* and a sport event like a football match between, say, Plymouth Argyle and Wycombe Wanderers, than that these activities can all be marked off as things that are different from everyday, ordinary activities. These sort of activities are non-ordinary, and I call that the extra-ordinary. Notice that with regard to the claim that sports are unnecessary – both in the sense of not being directly valuable for ordinary world concerns and not seen as addressing or being about ordinary world concerns – that some activities or practices belonging to the extra-ordinary side of human existence are seen as addressing or being about ordinary world concerns. Belonging to the extra-ordinary side of human life are artistic performances (theatre, dance, music, etc.) and art of various kinds (literature, fiction film, paintings, etc.), and these works of art differ from sport. Only the former has an artistic function and is conceived of by its audience as having one. Furthermore, some works of art are intended to influence and succeed in influencing the ordinary world. Harriet Beecher Stowe's *Uncle Tom's Cabin; or, Life Among the Lowly* is an example of the latter. Such works of art are extra-ordinary, but unlike sports they are not unnecessary in the sense of not addressing or being about ordinary world concerns. Clearly, Stowe intended for her book to say something specific about the slave trade of her day as well as to influence her own age, i.e., the ordinary world. This is how we understand the work as a whole and its various parts. How different things look with regard to sports. It hardly makes sense to think of the various parts of a sport competition like, for example, ski jumping, as being anything like the parts of *Uncle Tom's Cabin*. Works of art have an artistic function and can also aim to influence and succeed in influencing the ordinary world in a way that sports do not. Notice that fine art and sport are both unnecessary in the sense that they are not directly required to meet everyday ordinary world needs. If you need food to survive, writing a novel is not going to help you right away. However, fine art might help indirectly with meeting everyday ordinary world needs, because it can – as the example shows – address ordinary world topics, and this can be valuable in remedying ordinary world concerns. Another extra-ordinary world activity or practice, which also does not seem unnecessary in the same way as sport is, is religion and religious practice, including religious rituals. I take it to be uncontroversial that (many) religious practices are believed to influence and are relevant (for their practitioners) to ordinary world concerns. Thus, religious practices do not qualify as being unnecessary in the same way sport is.

¹¹ Notice that I regard more process-oriented sports like, for example, the aesthetic sport of gymnastics as also having defined end-states, like, for example, completing each individual event correctly.

¹² Obviously, this needs to be supplemented with our theory of what type of social historical kind sport is. I will not go through those steps here.

¹³ On the notion of human sports, see Borge 2019b.

¹⁴ Here we note a difference between my conception of sport and Suits' understanding of sport. Suits argued that sport is ruled-based, "where the rules prohibit more efficient in favour of less efficient means" (Suits 1978: 49, Suits 1973: 51). Suits made the latter a necessary condition for something being a sport. This view has become orthodoxy in the philosophy of sport, but it is false. Suits would object to the line of reasoning pursued in this essay by pointing to his story of the game playing generals Ivan and Abdul, who agreed to a game without limiting means in "[a] fight to the finish" (Suits 1978: 70). Suits argues that the two old warhorses in order to play this game still need a limitation on the means by which they play. They need "a rule which forbids you to make a move in the game before a certain

agreed upon time” concluding that “a starting time is such an artificial limitation [on the means at your disposal for achieving victory]” (Suits 1978: 73-74). Suits’ argument proves no such thing (Borge 2019a: 131-133). An agreed-upon starting time does not limit the means by which you can play the game or sport, but enables there to be a game or sport. The two are importantly different. To decide to play a game or a sport at a certain point in time does pose limitations on what you can do in the ordinary world or everyday life – for example, if you are to play the ultimate game or sport in a fight to death at 2 pm, you cannot at the same time pick up the kids from school –, but not on what you do in that game or sport once it has started. This line of thinking sits well with my understanding of prelusory goals of sport (which differs from Suits’ understanding of it; see footnote 18) and the line that sport is extraordinary and unnecessary. Given that you have a prelusory goal of having a certain game or sport to play like playing the Ivan and Abdul fight to the finish, then you cannot destroy your intended game or sport opponent before the game or sport starts. Your intention to play the ultimate game or sport depends on there being an opponent to play against. However, deciding to play a game or sport at a certain point in time x does not necessarily pose limitations on the manner in which you play that game or sport, because prior to x there is no such game or sport. This has consequences with regard to the ultimate game or sport as envisaged by Ivan and Abdul in Suits’ *Grasshopper*. Should you choose to start a fight to the death prior to the time set for the game or sport action by ambushing your opponent, you have *de facto* forfeited the game or sport event in favour of plain old murder. Having the goal of having a game or sport to play – this being what I call a prelusory goal – does place limitations on what you can do prior to the fulfilment of that goal. However, the prelusory goal is independent of the game or sport itself and does not constitute a limitation on the means the players have at their disposal when playing games or sports.

¹⁵ Lewis argues that “[w]hen common sense delivers a firm and uncontroversial answer about a not-too-far-fetched case, theory had better agree”, while our amended line is that when categorization judgements of prototypicality of sports deliver the prototypical sports, theory had better agree. (Lewis 1986a: 194).

¹⁶ Notice, again, there is no social historical kind of sport, unless there are individuals doing sports, and there is no internal or intrinsic aim or purpose of sport, i.e. aiming at winning, unless there are individuals aiming at winning particular sports. Given this, I take it, obvious fact, it follows that the inside of a social historical kind like sport, consists of individuals that collectively make up the various sports. When we talk about the internal aim or purpose of sport being to win, minimally not lose, then, of course, this means particular individuals aiming at winning, minimally not losing. As previously mentioned, with regard to social historical kinds like sport, deciding or finding whichever lusory attitude is connected to or constitutive of particular social historical kinds is not merely a question of counting heads and how each of those individuals relate to the activity or practice in question. I will not labour this point any further in this footnote (see footnote 8). With regard to the question of social historical kinds like sport and lusory attitude, it might be worth recalling that we have already argued that sport is a transparent social historical kind, but that the transparency-relation need not pertain directly to the sport performers. Take the case of greyhound races. Obviously, the hounds in greyhound races do not fulfil the required lusory attitude of sport – to aim at winning, minimally not losing – since the hounds are not aware nor even conceptually equipped to be aware of doing sport or being part of a sport or a sport event. As with the question of sport and collective intentionality, in a case such as the greyhound races case, the question of sport and lusory attitude pertains not to the sport performers (the hounds in the races), but to the organizers, owners of the dogs, the audience, etc. The greyhound races are organized in a manner so that the hounds running after a mechanical, or artificial, hare count as aiming at winning and whichever hound crosses the line first count as having won the race,

thus fulfilling the lusory attitude required for sport. This is how the races are organized and this is how the organizers, owners of the dogs, the audience, etc., take them to be organized. The inside of the greyhound races that makes it a sport (if you want to consider it a sport) pertains to organizers, owners of the dogs, the audience, etc. Consider the following science fiction inspired scenario. In a distant future, the human race has managed to wipe itself out and no other creature of similar cognitive capacities has stepped in and taken our place, while leaving behind an automatized world in which many of the things that the humans created are still up and running even though there are no humans around anymore. The greyhound races, or, more precisely and importantly, the greyhound races form, has survived human extinction. Obviously, this would need a lot of stage setting. How are the tracks maintained, how are the hounds taken care of, how are new hounds bred, and so on and so forth. These details are inconsequential to the thought experiment. Take it as writ. What do we have in this scenario? The greyhound races form has survived. Technically, the greyhound races of this future are the same as our present greyhound races. A time traveller from the present could at first glaze come to believe that there were greyhound races and in one sense he or she would be correct. The greyhound races form of the present and the future is the same. In this sense there are greyhound races in this humanless future. In another sense, our time traveller would be wrong, if he or she concluded that there were greyhound races at this future point. The activity or practice of greyhound races qua sport does not exist in this bleak future. Why? The inside of the activity or practice has changed, since the greyhound races are no longer organized in a manner so that something count as aiming at winning or winning a race (after all, there are no organizers, owners of the dogs, audience, etc.), and that makes all the difference. Now you only have chasing hounds and that does not count as a sport. The social historical kind of greyhound races as indexed to the present, which by stipulation is where our time traveller comes from, has gone out of existence. In our imagined scenario, the form of the activity or practice has survived, but the social historical kind of greyhound races has not. Anyone unhappy with made up cases with regard to social kinds and change due to a chancing inside can consult the case of *danza de los voladores* in Borge 2015: 116 and Borge 2019a: 93, 106, 229.

¹⁷ Another contested and controversial case is eSport. The method under consideration settles this case and rules that the various electronic sports belong to the sport domain. Furthermore, our usage of prototype theory explains why eSports remain on the outskirts of the sport domain. They would normally not be thought of as athletic endeavours, whereas your prototypical sports are, but the eSports are essentially physical activities or involve centrally physical skills (see Borge 2019a: 177). Similar remarks hold for an activity or practice like darts.

¹⁸ Here we note a difference between my conception of sport and Suits' understanding of sport. A prelusory goal – a goal prior (pre-) to playing a sport (lusory) is presumably something that is specified prior to a sport contest. Suits describes a prelusory goal as “ [t]his kind of goal may be described generally as *a specific achievable state of affairs*. (...) [T]he *pre-lusory* goal of a game (...) can be described before, or independently of, any game of which it may be, or come to be, a part” (Suits 1973b: 50). What you will get is a description of the physical facts involved in reaching the sport specific aims of whichever sport you are playing – in the 100-metres dash it is reaching the goal line located a hundred metres from the starting line, in ice hockey it is bringing a hockey puck over the opposing team's goal line, between the goalposts and under the crossbar and in preventing the opposing team from bringing a hockey puck over one's own goal line, between the goalposts and under the crossbar, and so on for the various sports we play – but the problem with this line of thinking is that with regard to some sports like ice hockey the prelusory goals as understood by Suits does not exist prior to the sport itself. This shows that Suits' understanding of prelusory goals

does not help us understand sport. This connects to another part of Suits' analysis of sport, which is omitted in the view presented here. Suits summed up his analysis of games by writing that "playing a game is the voluntary attempt to overcome unnecessary obstacles" (Suits 1978: 55). However, Graham McFee has pointed out that for certain games like chess "the idea of 'unnecessary obstacles' makes no sense", because "[n]o 'obstacles' here seem explicable *independently* of the game" (McFee 2004: 25). Similarly, for some sports like ice hockey, the obstacles to be overcome are not explicable independent of the sport. Suits does address McFee's worry, but he does so by appealing to institutions – "it is not possible to achieve the prelusory goal of chess (...) aside from the institution of chess" – and this admission shows the irrelevance of Suits' notion of prelusory goals, when one wants to understand games and sport (Suits 1978: 58). What you are left with after Suits' admission is the trivial observation that sports, like any other activity or practice can be described independent of the social kind itself. McFee's rejection of Suits' requirement of unnecessary obstacles in sport is sound and that rejection carries over to my rejection of Suits' notion of prelusory goals.

¹⁹ Due to what is known in the philosophy of sport as the incompatibility thesis – the idea that you cannot break a constitutive rule of a sport and at the same time play that sport (see the next footnote for a further discussion and elaboration) – one finds philosophers of sport who insist that when we find rule breaking in sport, the rules that are broken are so-called regulative rules. Whereas constitutive rules are part of what a particular sport is and to break them would somehow destroy the sport as that sport or the rule-breaker as being someone who does that sport, regulative rules of a sport is not part of what that particular sport is, so violations of the latter is unproblematic. Regulative rules regulate behaviour, activities and practices that exist independent of and prior to such rules. A philosopher that defends the incompatibility thesis can insist that the handball rule in association football is a regulative rule, and that you can break such a rule and still do the sport in question. For example, William Morgan writes that "Suits could not have been clearer on this point: "violating the [regulative] rule is neither to fail to play the game nor (necessarily) to fail to play the game well, since it is sometimes tactically correct to incur such a penalty for the sake of the advantage gained" [Suits 1978: 52] (Morgan 1987: 3). The first thing to note is that Suits is not as clear on this as Morgan takes him to be. Suits tells us that "two kinds of rule figure in games, one kind associated with prelusory goals, the other with lusory goals" (Suits 1978: 51). The kind associated with Suits' so-called prelusory goals are the constitutive rules, which "set out all the conditions which must be met in playing the game", whereas the other kind of rule "operates (...) *within* the area circumscribed by constitutive rules, and this kind of rule may be called a rule of skill" (Suits 1978: 51). Examples of such rules of skill, according to Suits, are "the familiar injunctions to keep your eye on the ball, to refrain from trumping your partner's ace, and the like" (Suits 1978: 51). Rules of skill, if it is correct to call them rules, are more like a heuristics that tells you how to play a sport well. When Suits then goes on to claim that there is "a third kind of rule (...) the kind of rule whose violation results in a fixed penalty, so that violating the rule is [not] to fail to play the game", he fails to account for how the latter part follows given his incompatibility thesis (Suits 1978: 52). In a later work, Suits again addresses both constitutive rules and rules of skill, while telling us that "in football (...) the rules *rule out*, among other things, the use of machine guns by guards and tackles", though, again, there is no mention of regulative rules (Suits 1988: 5). The year after, Suits mentions regulative rules when referring to Klaus Meier's work, but does not use the term himself (Suits 1989: 12). The background for this reference is that Suits had argued that the offside rules in American football and ice hockey were constitutive rules, whereupon Meier claimed that "rules such as these, which specify the penalties to be applied when particular constitutive rules have been violated, may be more appropriately called 'regulative'" (Meier

1988: 20, Suits 1988: 5-6, see also Meier 1985). Suits does not accept this invitation. Instead, he merely modifies his view and admits to being mistaken when presenting the offside rule in American football and ice hockey “as illustrative of a constitutive rule *per se*, since such rules are extensions of, or derivations from, a game’s basic constitutive rules” (Suits 1989: 11-12). In American football the offside rule yields yardage penalties, and according to Suits in the quote above, that offside rule is not *illustrative* of a constitutive rule *per se*, but is clearly still a constitutive rule. Suits is not at all clear on how his incompatibility thesis is suppose to sit with the seemingly obvious observation that constitutive rules are broken when people play sports. Be that as it may. Morgan is clear in his defence of the incompatibility thesis. Morgan writes that “the unqualified claim formalism makes with respect to the observance of rules applies to only one kind of rule, namely the constitutive rules. It is only the latter kind of rule that defines what a game is in the sense of setting out all the conditions that must be met in the playing of the game” (Morgan 1973: 3). Morgan goes on to state that “regulative rules presuppose the existence of constitutive rules (without which there would be nothing to regulate), and so count as extensions of the latter rules, it doesn’t follow that the breaking of one of these rules invalidates the game as such” (Morgan 1987: 3). The handball rule in association football, Morgan would have to argue, is a regulative rule, not a constitutive rule. However, history teaches us otherwise. If we consider *Law 12 – Fouls and Misconduct*, from FIFA’s rule book 2015-2016 edition, concerning when fouls and misconduct are penalized by a direct free kick or penalty kick, we find that “[a] direct free kick is awarded to the opposing team if a player commits any of the following seven offences in a manner considered by the referee to be careless, reckless or using excessive force: • kicks or attempts to kick an opponent • trips or attempts to trip an opponent (...) [a] direct free kick is also awarded to the opposing team if a player commits any of the following three offences: (...) • handles the ball deliberately (except for the goalkeeper within his own penalty area) (...) [a] penalty kick is awarded if any of the above ten offences is committed by a player inside his own penalty area, irrespective of the position of the ball” (FIFA 2015: 37). Among the ten offenses mentioned in Law 12, we can extract these key rules (with the addition for some of them of not being careless, reckless or using excessive force): • Do not kick or attempt to kick an opponent • Do not trip or attempt to trip an opponent • Do not handle the ball deliberately (except for the goalkeeper within his own penalty area). With these in mind, consider the suggestion made in the book that the year 1863 might mark the beginning of the social historical kind of association football (Borge 2019a: 94-100, 184-185). On December 1, 1863, at the fifth meeting of the Football Association (FA), carrying the ball and hacking were banned and this, I suggested in the book, indicates that the fission of proto-football towards two distinct sports – association football and rugby football – had begun. The rules of not handling the ball and not kicking or tripping the opponent are at the centre of one of the most important stages in the life of the social historical kind of association football, and those rules are clearly constitutive rules of the sport. Things could have looked very different. Collins reports that “at the end of the fourth meeting on 24 November 1863, it seemed that a consensus had been arrived at (...) [r]unning with the ball in your hands would be allowed and hacking would be legal. In short, the meeting had agreed to play football along the lines played at Rugby School” (Collins 2017: 33). The rules of November 24, 1863 included the following: “9. ‘A player shall be entitled to *run with the ball* towards his adversaries’ goal if he makes a fair catch, or *catches the ball* on the first bound; but in the case of a fair catch, he makes his mark, he shall not run.’ 10. ‘If any player shall run with the ball towards his adversaries’ goal, any player in the opposite side shall be at liberty to *charge, hold, trip or hack* him, or to *wrest* the ball from him; but no player shall be held and hacked at the same time’” (quoted in Harvey 2005: 140-141, my italics). Compare rule 9 and 10 of the fourth FA meeting on November 24, 1863 with FIFA’s rule book 2015-2016 edition *Law 12 – Fouls and Misconduct* on when

fouls are penalized with a direct free kick or penalty kick to the opposing team. You find that the latter almost looks like it was designed to refute and replace rule 9 and 10 of the November 24, 1863 rules. That is no accident. Harvey tells us that, at the fifth meeting of the FA, “laws 9 and 10 of the FA code were expunged and replaced by” the following (Harvey 2005: 143): “9: No player shall carry the ball.10: Neither tripping or hacking shall be allowed and no player to use his hand to push adversary (quoted in Harvey 2005: 143). At this point in history, it is reasonable to talk, at least, about the dawn of the social historical kind of association football. The rules of not handling the ball, not kicking opponents, not tripping opponents, not holding opponents, not charging opponents, and the like, are woven into the football blueprint and are constitutive rules that are part of the foundation of football. This is part of the crossroad from which proto-football developed into association football and rugby football. These constitutive rules of the sport are broken or violated on a regular basis by association football footballers, thus the need for reaction or penalty-evoking rules that instruct referees on how to deal with such rule violations. The idea that we can save the incompatibility thesis by arguing that the often-seen violations of these rules of not handling the ball, not kicking opponents, not tripping opponents, etc., are mere violations of so-called regulative rules is clearly misguided. In light of the data from sport history as relayed in this essay, the incompatibility thesis with regard to association football is clearly false, and thus also false with regard to the sport phenomenon as such.

²⁰ Here we note a difference between my conception of sport and Suits’ understanding of sport. Suits tells us that the necessary lusory attitude for playing a game or a sport is “the knowing acceptance of constitutive rules just so the activity made possible by such acceptance can occur” or that “games require obedience to rules (...) where such rules are obeyed” (Suits 1973: 55, Suits 1978: 47). Suits own reading of the required lusory attitude led him to argue that “to break a game rule is to render impossible the attainment of an end (...) one cannot (really) win the game unless one plays it, and one cannot (really) play the game unless one obeys the rules of the game” (Suits 1978: 39). If you break the rules of a sport, then logically speaking you are no longer playing that sport, and subsequently you cannot win the competition you seemingly are part of. You cannot cheat, i.e. wilfully violate the rules of a sport, and at the same time play that sport. “It is impossible for me to win the game and at the same time to break one of its rules” (Suits 1967: 150 and 1978: 40). Morgan calls this the “logical incompatibility thesis” (Morgan 1987: 1). Unfortunately, Suits’ thesis just does not fit the sport landscape where we find that intentional and non-intentional rule breaking happens all of the time. This gives us reason to reject Suits’ view. One way, however, for a Suitsian to defend the incompatibility thesis would be to adopt an error theory of sport, i.e. the view that we are often mistaken about when people play sport and when they do not play sport. In the monograph I argue that this theoretical price is too high and that one should give this option a pass (Borge 2019a: 140-144). I also show why Morgan’s defence of the incompatibility thesis should be rejected (Borge 2019a: 180-186, Morgan 1987). Regarding Morgan’s defence of the incompatibility thesis, see previous footnote. Suitsian formalism, i.e. reductive formalism, should be given up. The rejection of Suits on this point usually leads philosophers of sport to endorse the ethos view of sport. The lusory attitude is not to be found in strict adherence to the formal rules of the game, but rather in endorsement of a sport’s ethos, i.e. interpretation of the rules of a game. The first to introduce this line of reasoning was Fred D’Agostino (1981). The ethos view seems these days to be the default view on lusory attitude among philosophers of sport and I leave it to my reader to count and account for all the authors that seemingly take their refuge in the ethos view when considering the question of sport and lusory attitude. Unfortunately, the ethos view suffers from a flaw akin to that of reductive formalism. D’Agostino writes that “unacceptable behavior violates the rules of the game in a way which, according to the ethos of that game, disqualifies its perpetrator as a player of that game.

According to this non-formalist account of games, only such unacceptable behavior is not game-behavior; only a player engaging in such behavior ipso facto ceases to be a player” (D’Agostino 1981: 15). This is the ethos view’s very own logical incompatibility thesis. It is impossible for me to win the sport and at the same time to break one of its rules in a manner, which is not accepted, endorsed or included in the ethos of the sport. This compatibility thesis fares no better when looking at how sports are actually played. Consider the case of association football. Rule breaking in football happens all the time and it is the consensus of the football world that the players who break rules do not stop being footballers.

Unacceptable behaviour that passes under the radar of referees, on the other hand, is rarer, but when it happens (and it does happen), the player in question still counts as a footballer, and what he or she did is an action in a game of football made by a footballer. Unacceptable footballing conduct does not automatically make you a non-footballer. Furthermore, when actually looking at the empirical evidence, we find that a shared ethos is not necessary for playing the same sport (Borge 2019a: 147-149). You remain a participant or practitioner of football in a football match until a referee rules that you are no longer to be part of that game. This is a minimal conception of the lusory attitude. A sport performer can break the rules intentionally or unintentionally, or violate the shared ethos of a sport (if there even is such a shared ethos), and still be a sport performer and part of a sport, as long as he or she endures, obey or accept the arbitration of the rules of whichever sport he or she plays or is part of. This minimal conception of lusory attitude cuts right through the reductive formalism vs. non-formalist/anti-formalism debate, and avoids the various pitfalls into which these positions fall. The view argued for here explains that which needs explaining without taking on any superfluous views and debates.

²¹ As I use these notions, the notion of a sport performer covers both sport participants and sport practitioners. In for example an association football match, sport performers are the people who are on the pitch playing the match. Being a sport performer is neutral as with regard to the attitude of the individual or individuals that are part of a sport or sport event, i.e. with regard to lusory attitude. Consider the case of someone who enters an association football match believing that it is a highly sophisticated rain making ritual. Call this individual Ringo and the point in time at which he enters into the sport for T1. If the match has referees, instead of being self-refereed, then perhaps Ringo is of the opinion that the referee or referees are some sort of clergy presiding over and leading the ritual in question. Be that as it may. By stipulation Ringo is not doing a ritual or is part of a ritual, because it is not a ritual, but an association football match, i.e. a sport. Ringo believes that he is doing a ritual, but he is actually playing association football as he endures or tolerates the implementation of the sport’s constitutive rules. Ringo is a mere sport participant. Ringo is not using the association football form because Ringo is not aiming at winning, minimally not losing, the match he is playing. However, for it to be a football match and football we need someone in the game using the football form, i.e. aiming at winning, minimally not losing. Remember, again, in certain fringe cases like young children being habituated into the game, we can accept that the lusory attitude are fulfilled by others than the ones actually playing football. Here I will not worry anymore about that possibility. To recap; to endure or tolerate the implementation of association football’s constitutive rules, while aiming at winning, minimally not losing, is to use the association football form and to be a practitioner of the sport. Consider the highly unlikely scenario that Ringo keeps playing association football, while not stopping to believe that it is a rain making ritual and that others like Ringo enter the sport practice while believing it to be a rainmaking ritual, until no-one connected to the sport think they are part of a sport and no-one aims at winning, minimally not losing, but instead they all believe that they are part of a rain making ritual, and aims at making it rain. Call this latter point in time for T2. Do they at T2 play association football? If you ask about whether

they play the social historical kind of association football that we got acquainted with at T1, the answer is no. Association football qua sport has at T2 gone out of existence, since no-one acts as if they are part of a sport, i.e. no-one aims at winning, minimally not losing; there are no practitioners of the sport of association football that use the association football form as indexed to T1. The association football form has survived and is present at T2, but what we find at T2 is a rain making ritual and not a sport, and that is, obviously, a different social historical kind.