

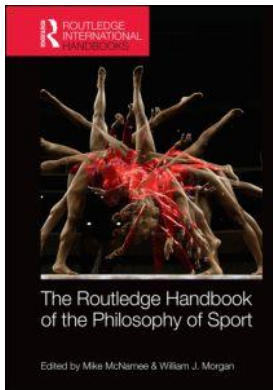
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AN INSTITUTIONAL THEORY OF SPORT

Graham McFee

What content is possible for a truly philosophical account of, say, sport? In particular, how can its *conceptual* character (as philosophy) accommodate the need to recognize the *features* of particular sports as they occur through the contingencies of actual sporting events? Attempts to conceptualize narrowly the intrinsic features of a particular sport typically come to grief on the assumed need to cover *all* cases – for instance, applying to all the varied occasions on which that sport is played.

An institutional theory of sport belongs to such a broadly analytical philosophical approach to sport but represents a move towards greater sensitivity to context than was possible on traditional assumptions of the exceptionlessness of conceptual connections. Here, a parallel with concerns in philosophical aesthetics allows the elaboration of the features of institutional accounts, while emphasizing the variety of what must be accommodated to cover *sport*, given the different contexts of sporting performance. For the *real* sport cannot be accessible only through elite performance. Instead of such an idealization, an account of sport must acknowledge a place for (for example) the learning of the sport, and for its performance at all levels. Doing so requires the inclusion – on *some* occasions – of what might otherwise be dismissed as irrelevant or contingent features of sporting events, as well as some rethinking of the picture of rule-following adopted. Elaborating these points here elucidates the constraints an institutional account can offer; and, in particular, its explanation of the normative dimension of the rules of sport.

Background to institutional accounts in philosophy

To understand how the failures of a traditional conception of the philosophy of sport might lead to the development of an institutional account, it is helpful to begin with parallel questions in philosophical aesthetics since talk of an *institutional theory of sport* clearly owes something to the idea of an institutional theory of art.¹ There, the systematic failure of invitations to define ‘art’ (and its sub-categories) led to the suspicion that the project itself was misconceived, not least because counter-examples to the putative definitions of art were to be typically found in relatively ordinary or humdrum examples of artworks. Further, some writers (see McFee, 2004a: 23–31) suggested that the problem resided with the expectation of definition, or the conception of philosophy that placed such an expectation at its methodological

heart. In this way, the general usefulness of such definitions (viewed strictly in terms of the provision of conditions that were individually necessary and jointly sufficient) was called into question. One response, elaborated by George Dickie (1974), attempted to define ‘art’ by appeal to what he called ‘unobvious’ or ‘unexhibited’ features of artworks: for instance, their relations to institutions associated with art such as art criticism, the curating of art galleries, the publishing of artworks (such as some poems or novels), the restoration of artworks – Dickie followed Danto in calling this ‘the artworld’, while conceding that there is not just one: and this view as a whole attempted to derive a definition that was purely descriptive of art, rather than evaluative.

Thus Dickie (1974: 34) produced his notorious institutional definition of art, which claimed that:

A work of art in the classificatory sense is (1) an artifact (2) a set of the aspects of which has had conferred upon it the status of candidate for appreciation by some person or persons acting on behalf of a certain social institution (the artworld).

When this putative definition succumbed to counter-examples (and other difficulties; see McFee, 2011a: 150–6), Dickie (1984) modified it in an attempt to generate conditions individually necessary and jointly sufficient, but now he conceded that this later account was circular, while insisting that this was just an accurate reflection of art’s institutional nature, since it involves a social setting to include the changing practices and conventions of art, the heritage of artworks, the writings of critics, and such like.²

An alternative response to the failure of such attempts at definition was to reject *that* project, and its centrality to one’s view of philosophy, yet to grant some of its explanatory power (vis-à-vis the treatment of artworks, art forms and art movements) in recognizing them as institutional. In particular, one effect was to bring within the compass of a concern with art a larger circle of cases and situations – roughly, the sorts of things to which Dickie had referred: that is, attention was directed not just to the artwork itself but also to the place of discussions of art making, of art restoring, the training of performers (for performing arts), practices of curating for art galleries, and publishing for works of literature. On such an account, these were not to be dismissed as mere ephemera, or social concomitants of art: instead, their constitutive role in the possibility of art was acknowledged. So these, as parts of the artworld, were recognized to have a potential place in the fuller story of acknowledging the historical and social settings of art-practices.

Turning to sport

Our thinking about an institutional account of sport can begin from there, both because the same sorts of disputes (about definition, and such like) that beset philosophical aesthetics have recurred in the philosophy of sport (McFee, 2004a: 15–16) and because the expectations for any institutional account for sport should have learnt from Dickie’s mistakes. Further, the deficiencies of the previous strategies were the same, or similar, in both cases. Nevertheless, in this vein, two key differences between the situations for art and for sport must be stressed at the beginning. The first distinguishes strong institutional accounts, like that appropriate to *art*, from the case for sport (where only a weaker institutionalism is appropriate); the second identifies a mistaken understanding of the project of any institutional theory: since Dickie’s institutional theory (for art) hunted for a definition, that might seem to carry over, but it does not – our institutional account of sport will not be concerned with definition. It is no part of such an

account to attempt a definition of *sport*, or related concepts, nor will it assume that one would be desirable.

An institutional theory of art might be loosely characterised as one where such-and-such is art if the 'right people' say it is (but see McFee, 2011a: 148–50). This will roughly characterise any institutional theory (*mutatis mutandis*). Now, the term 'institutional' is regularly deployed within analytic philosophy in a second sense, one deriving from moral philosophy, where both Elizabeth Anscombe (1981: 24) and John Searle (1969: 50–2) have urged that, say, *promising* is an institutional concept, as a way to draw attention to its rule-governed character. For such weakly institutional notions, such as *language*, any 'Tom, Dick or Harriet' can pronounce on the grammaticality of utterances, at least insofar as he/she is a *native speaker* of the language. Roughly, the same is true of the identification of promises. And this is to be expected for an account of sport, since the term 'sport' here just has an ordinary, non-technical meaning: there are no genuine experts in its application. But that is not the sense of the term 'institutional' deployed for *art*. Rather, institutional theorists of art typically employ the term to emphasize a key feature of the institution: or, perhaps better, a key function it performs, namely the functioning of a so-called *authoritative body* (McFee, 2011a: 147–8; Baker and Hacker, 1984: 272–3). So, for strongly institutional concepts like 'art', the focus on the claim of institutionalism is more specific: not everyone has a 'say' in the art status of particular objects (or the artistic credentials of particular putative artists). Instead, in institutional theories of this strong sort, appeal must be made to the *authoritative body*: to what (for art) I call 'the Republic of Art' (following Diffey, 1991: 45–8). But this is not true of sport. So adopting an institutional account of sport would not just involve stressing the place of rule-regulating bodies for most sports. Rather, as with language, the institutional character of sport would be reflected in its rule-related character, but without this additional implication of an *authoritative body* for sport (as such). For what *counts* as sport varies from sport to sport – for instance, in the different degrees to which written rules specify acceptable and unacceptable behaviours, or the equipment that must, may or must not be employed; and the character of particular sports is typically partly in the hands of its players, as later examples illustrate.

Here, Mike McNamee³ supplied a helpful example. As he reports it, ultimate Frisbee players had hitherto been self-regulating. Now a big dispute has broken out over whether an independent referee, or adjudicator, must be used to rule on disputed calls. With such a referee in place, is this still the same sport, ultimate Frisbee? Or are there two such sports now: (a) refereed ultimate Frisbee; and (b) non-refereed ultimate Frisbee? Or, as Mike put it, 'more rhetorically, which is the *real* ultimate Frisbee?' Such a debate is grist for our institutional mill (and see later): on the option urged here, defending a weaker version of institutionalism, that debate may be resolved (in principle) in any specific case where it *counts* for us – but not by appeal to experts (an authoritative body). For a motivation is needed for disputing any particular answer here, given the facts as we have agreed them. That is, why should one *then* insist that there were two similar sports, rather than one sport in two versions? Or vice versa? (Comparisons with rugby football suggest that either resolution is possible, giving no reason to prefer this or that.) Moreover, it does not follow that because the dispute is over the *regulation* of the sport, one can just appeal to the governing body (if any) for a resolution.

In this sense, then, *sport* – while only weakly institutional when compared with *art* – is more strongly institutional than, say, language because reference to the institutions of sport (or sporting practices)⁴ retains more direct substance: the world of sport is replete with *real* institutions (with governing bodies and rules committees, with events organizers and those composing narrations of sporting events; for instance, for newspapers or magazines). Seeing that any adequate account of sport must sometimes require reference to these, or to other backgrounds

in history and social practice, is a way to move away from focus on the sorts of (allegedly inherent) features of sports and sporting events to which putative definitions of sport usually refer.

Of course, this is just one way to expand the candidate features that might sometimes find a place in the narrative characterizing this or that sport on some particular occasion. To the degree that this is the right attitude, an institutional account of sport will enlarge the range of factors to which reference might realistically be made in discussing the 'nature' of sport.

Equally, not just *anything* could count here, even if it occurred during the passage of a sporting event. For instance, there would never be a place, as part of the sport *itself*, for the antics of English cricketer Derek Randall (1984: 30): '[experimenting] with a few somersaults, or throwing my sunhat in the air and catching it on my head.' But this occurred especially during important matches in India in 1976, where rates of play: 'were so painfully slow that they allowed ample opportunity to perform a cartwheel, do a somersault, play tricks with my sunhat, wink at a pretty girl' (Randall, 1992: 98).

Hence, as Randall implicitly concedes, these were things he did *outside* of the game itself. Of course, granting the formal irrelevance of such antics to the game itself does not deny the enjoyment they can give to spectators – a reason these were actually encouraged by Randall's captain in India, Tony Greig (Randall, 1984: 30). Yet they *are* irrelevant. But that again is an institutional fact, not one drawn directly from the rules.

It might seem that some special character attached to the concept *game* (and perhaps the concept *sport*) in this respect. Thus, Wittgenstein's discussion of the concept *game* (see Wittgenstein, 2001, sections 66–7), as well as his introduction into philosophy of the concept *language game* (Wittgenstein, 2001, section 7) might lead some people to think that somehow (and especially via the concept *language game*), Wittgenstein saw some *special* place for games (and hence perhaps of sport). Moreover, that this sort of thing should be avowed by a self-avowed Wittgensteinian (like me).

Of course, Wittgenstein did write about language games, by which he meant – roughly – simple, or simplified, linguistic forms, to include words, sentences and a context for their employment; but also diagrams and gestures as appropriate. These language games are created or described for use as '*objects of comparison*' (Wittgenstein, 2001, section 130 [original emphasis]) for philosophically puzzling concepts or contexts, often to exemplify misconceptions. Since such *objects of comparison* are designed so that their characteristics (their point and purpose) will be evident on inspection, the language games should be seen as complete (Wittgenstein, 2001, sections 2, 18), rather than as fragments of ordinary language. Further, the concept *game* was indeed used as an object of comparison (as above, see Wittgenstein, 2001, sections 66–7). Yet Wittgenstein was also clear that there was nothing special about games here. Like many other concepts, *game* can have philosophical implications or raise philosophical issues (in its contexts). But that is all. As he put it, 'the word "game" is not a metalogical word' (Wittgenstein and Waismann, 2003: 223); that *game* is not a metalogical concept. His idea is that the points that can be made in respect of the term 'game' could be made in respect of many other general terms. In particular, if our concern were with rule-governedness, we could 'make everything clear by means of chess' (Wittgenstein and Waismann, 2003: 223).

So the first feature differentiating an institutional theory, or account, of *sport* from an institutional account of art is that sport is only institutional in the weaker sense that follows from its rule-following character – in this, it resembles, say, language.⁵ Yet it is *institutional* in that rule-following here is not reducible to a set of simply rules, easily and uncontentiously applied without regard for context. (For general points about rule-following, see McFee, 2004a: 44–49.)

As mentioned above, the second differentiating feature reflects the fact that, for art, institutional theories have typically been associated with the attempt to provide a *definition* of art; and

especially, as above, with George Dickie's attempts at such a definition (see Dickie, 1974: 34; Dickie, 1984: 7; compare McFee, 2001a: 152). But this feature, this emphasis on definition and conceptual 'definiteness', has no special place in institutional accounts of art; and neither, of course, need it feature in an institutional account of sport, although (as we shall see) a contrast with definition clarifies our interest in institutional accounts.

One feature of institutional accounts – well-exemplified in respect of art – grants to the discussion a wider compass than is usual in, say, the search for a definition. Thus, the institutional account of art recognises the place of training in art making and art appreciating; the role of restoring art; and, for performing arts, the training of performers – in addition to the place of making and appreciating artworks. These others are not dismissed as just (say) aspects of the sociology of art. All of them bear on genuinely understanding what art really is: but they would not typically feature in standard attempts to define art.

Of course, this is part of the point here, as it might be applied to sport. For I will urge (and exemplify) that the net effect of an institutional account of *sport* is to introduce a radical contextualism; and, in particular, one that explains why the search for definitions (or something similar) is misplaced: what is sought is not, in fact, a property of words or expressions (see Travis, 2008: esp. 159–60).

Real sport?

When thinking of attempts to define 'sport' (and 'game'), many of us rightly turn our attention first to the works of Bernard Suits (1978; 1995a; 1995b; compare McFee, 2004a: 17–31). Here, it is interesting that one attempt to augment Suits' work, from within his formalist tradition, came from Klaus Meier's view that there were more rules to sport than Suits had initially granted, to include those that specify and regulate 'eligibility, admission, training and other pre-contest requirements' (Meier, 1985: 700). With different starting assumptions (in particular, the rejection of the hunt for a definition), the recognition of such 'auxiliary rules' (Meier, 1985: 70) might have been the beginning of a kind of institutionalism about sport. Equally, one might find such institutionalism prefigured in recognising sport as a *practice* – had that term not been appropriated by followers of MacIntyre⁶ (for discussion, see McFee, 2004b).

But the central point of any institutional account must be to grant the importance for understanding whatever it is (*sport*, in our case) of activities seemingly surrounding *real* sport or 'central cases' of sport. For the institution extends beyond, say, just the playing field – and its extent and contours must themselves be addressed institutionally. In doing so, the institutional account makes any claims here strictly contextual (or occasion-sensitive; Travis, 2008). Hence, the claims made are no longer treated as just strings of words, as though repeating the words *automatically* repeated those claims.

Here, to elaborate the point about institutions, I shall stress one particular kind of example: that most sports are played at a number of different levels – from professional or elite to inter-family; and from the *serious* (for money or fame) to the purely recreational – say, dealing with children. Further, aspects of the sport practice tend to differ at these different levels: different activities are done (or not done) in playing the sport. Different equipment may be used, or not used, at least standardly. Sometimes such differences are reflected in the rules used (they might be modified by the league, or by local circumstances, as in an example below); sometimes in other practices or expectations. There may still be the thought that, somewhere in this medley, there is the *real* sport. But on which of these occasions is the *real* sport visible?

This question is crucial since traditional attempts to define 'sport' often founder at precisely these points, because the force of the project of definition will be undermined precisely where

there are exceptions of this sort to its central claims or conditions, as then one no longer has ‘a concise yet comprehensive characterisation’ (McFee, 2004a: 21–2): genuine definitions must have an ‘exact fit’ on the concept defined – what is claimed as an X must be one; what is thereby denied X status must *not* be. That is, the definitions must apply exceptionlessly, or they are not *genuine* definitions (McFee, 2004a: 21–2). And such activities, reflecting the different levels of sports-playing, offer obvious counter-examples to the claim to exceptionlessness that the definition offers, the claim that this sport *really* involves doing (or not doing) such-and-such. Hence a kind of Platonising *idealisation* (terms from D’Agostino, 1995: 44) is common to many attempts to clarify the nature of sports: that is, it is assumed that there is a *full* or *complete* version of the playing of the sport (usually thought to take place at the elite level, with all the ‘bells and whistles’ of uniforms, umpires or referees, and an audience). As we will see below, this assumption of *completeness* is one false step here.

Of course, for the argument, it does not matter which level is identified as the *real* sport, for – whatever is selected – one must then decide on the sport status of the others. But if one takes (say) the sport as played at the elite level as one’s model for *really* playing the sport or game (say, soccer or chess), its playing at these other levels seems to generate obvious counter-cases. After all, the playing of that very sport or game (at another level) *has features* not in one’s real sport or game, or lacks such features. But this is just what the ‘definers’ had hoped to preclude by stressing the *real* sport. Above, it was urged that the character of particular sports is typically partly in the hands of its players, since who counts as the typical players, or as players of the *real* sport, will be contested in the discussion of such cases. And, if the sport is typically played in particular situation in *this* way, with *these* rules and *that* equipment, then – in that situation at least – these typically identify genuine sporting situations: genuine instantiations of that sport. For instance, soccer (football) played in the park may well lack eleven players on each side; or, in some cases (say, with groups of young children), may flourish with more than eleven! But, if this is still the playing of soccer, how many players are there in a *real* soccer team, the one to which our putative definition refers? There can be no answer to fit all cases, unless one denies the obvious, by denying that one or more of these levels is *really* sports-playing. In elaboration, I will mention two examples, to which I will return.

First, I play soccer with a bunch of friends in the local park: the goal posts are marked by coats; we do not usually manage eleven players on each side; there are no uniforms, no referees, and no audience; and (importantly) the ‘hand-ball’ rule permits a player to use his hand without penalty to stop the ball just in case it would otherwise have run to the other side of the park – there is no ‘natural’ boundary to the left. Of course, the ‘hand-ball’ rule has not disappeared: various kinds of ‘hand-using’ behaviour (up-to-and-including the ‘goal’ scored by the deliberate hand-ball, of the kind exemplified in elite sport with Maradona’s ‘hand of God’ effort) would still be penalized. But that rule amounts to something different in our context than in, say, elite soccer – without our game ceasing to be soccer. So the key point is that we are clearly playing *football* (as we in the UK would all call it: in the USA, more properly called ‘soccer’), despite our not using all the rules that characterise elite soccer; say, as played in the English Premier League. Certainly, we are not playing *another* sport (it is not rugby nor bridge); and we would see no point in doing so – we are football fans, after the model of Nick Hornby’s *Fever Pitch* (1992). Someone who insists we are playing a defective version of the game, relative to (say) Premiership football, should be asked ‘why?’ – why is *that* the way to characterise the relationship among these different-ish activities? For our point is that these are not *different* games at all: rather both are soccer – a fact permitted by the institution of soccer, which includes this variety.

Similarly, I play chess with my grandson. I give him a queen advantage; and, on the relevant

occasion, he wins. On the next Sunday, I play in a simultaneous tournament against the best player in the world (still Garry Kasparov, to my way of thinking): he gives me a queen advantage and, *per impossibile*, I win! What should we make of the similarities and differences between our situations? Who has won *at chess*? And what other games were involved? In summary, once we acknowledge the facts as I have presented them, the institutional character of sport permits us to discuss them just as we have: each counts, in context, as football or as chess (respectively), without postulating or presupposing some hidden essence, as a brief elaboration of the cases shows.

Two important principles drive our discussion of these cases, reflecting (in the first instance) our institutionalism about sport. The first is from Wittgenstein (2001, section 79): ‘Say what you choose, so long as it does not prevent you from seeing the facts. (And when you see them there is a great deal you will not say).’ Our concern is not with particular words as such, nor with which word to use. Instead, it reflects what one wants to say, in that context – and nuances of context can radically alter this.

Similarly, the second principle reflects the fact that the truth of what one says reflects the context of utterance. As Austin remarked:

It seems fairly generally realized nowadays that, if you take a bunch of sentence (or propositions ...) impeccably formulated in some language or other, there can be no question of sorting them into those that are true and those that are false; for ... the question of truth and falsity does not turn only on what a sentence *is*, nor yet what it *means*, but on, speaking very broadly, the circumstances in which it is uttered. Sentences are not *as such* either true or false.

(Austin, 1962: 110–11)

So investigating what sport is will be connected at best loosely to the word ‘sport’, detached from contexts of utterance. Then that thought might be continued, as Austin (1979: 130) remarked on another occasion, that:

statements [n.b. *not* sentences] fit the facts always more or less loosely, in different ways on different occasions for different intents and purposes. What may score full marks in a general knowledge test may in other circumstances get a gamma.

(Austin, 1979: 130; my insert)

Hence, there are no absolute standards of what was said or meant, but only the current, contextual ones.

So, in the second case above, the chess case, did my grandson beat me at chess? Obviously, it will be important to him that the answer is ‘Yes’ – he beat Grandpa at chess for, say, the first time! But that does not give us a basis to generalise: I did *not* beat Garry Kasparov at chess (or, by my assumptions, I could claim to be the best player in the world) – at the least, I did not beat Garry at chess *without qualification* (‘with a queen start, in a simultaneous display’). The context makes the same form of words, about winning at chess, ask a different question. And that is the key moral for an institutional account of sport as I understand it: that it will reflect the context (in its diversity), rather than trying to assign a single meaning, or a set of truth conditions, to particular forms of words.

So, turning to the first example, were we really playing soccer (football) in the park? Well, we have agreed that we were not playing rugby or tiddlywinks or cricket. We saw the activity as soccer, although ‘modified’ to our context; so that, in our context, that was just (one of the

things) football was! In that context, doing something that (in the English Premier League) would count as *hand-ball* is *not* hand-ball. Moreover, one might with justice take the ‘hand-ball’ rule as ‘definitive’ of soccer. But that just shows us that, in the kinds of contexts the institution of sports playing can provide, such a fact takes us only so far. In particular, it does not resolve the question about what sport we are playing or what its rules are, although it does indicate that such questions cannot be treated as a matter about *words* only! And this is just where it can be helpful to take sport as *institutional* in the sense developed here.

One approach in the literature, following Morgan (1995: 53–4), is to distinguish different versions of a particular sport; in particular, contrasting *defective* instances with cases of play a *different* (if similar) game. But why should *this* one be regarded as somehow *defective*? (It works perfectly well in practice to play in this way, let us assume, with no more disputes about hand-ball or off-side than in the Premiership.) What is the paradigm to which our new case is supposed to be defective? And why should it be thought of as paradigmatic? The institution of soccer seems flexible enough to accommodate the playing of soccer in ways that, in a very different context, one might regard as defective; say, by stressing the contrasts between its particular version of the hand-ball rule and that played in (say) elite soccer or preserved in rulebooks. But we all know this. It does not compel us in any particular direction when asked previously what we were doing: once we agree on the facts, we can look to what we can best say *then* – in line with Wittgenstein’s remarks in PI, section 79 (Wittgenstein, 2001), it may not be that one can, any longer, just say *anything*. But that would reflect the constraints this context sets on understanding this sport; and understanding this activity as *that* sport. So it would draw on the institution here, loosely conceived. Hence, it would be precisely the subject matter for an institutional account of sport.

Institutional constraints

Here, notice that an institutional account is not a licence to say just anything. Consider first an example from Mike McNamee concerning bog-snorkelling. As he quotes from the advertisement:

Competitors have to complete two lengths of a 60-yard [50 metres] trench cut through the peat bog in the quickest time possible, wearing snorkels and flippers (wet suits optional but advisable) but without using any conventional swimming strokes.

(Mike McNamee 2008: 9–10)

Asked about the sport status of this activity, we know that the desired answer cannot be an uncontentious ‘yes’ answer, as though bog-snorkelling were as clearly a sport as rugby, soccer, cricket and basketball. But, equally, there cannot be an uncontentiously ‘no’ answer – partly because that makes advocates of the ‘yes’ answer look uninformed in ways we have no reason to suggest; and partly because the activity shares features with other sports which seem relevant to the sport status of those activities. Here, one might look across to Suits’ definition: bog-snorkelling does involve a physical skill, and it certainly has a following of some width; further, it seems to have continued past the phase of being a ‘fad’. But both these last points can be contested: perhaps the activity’s following is insufficiently wide; or perhaps it remains a fad – this is what those who deny it sport status must urge. So we have a debate here, which is just as we wanted – the sport status of bog-snorkelling is presently a matter for debate only; there is no clear answer. This is a genuine borderline case.

One might think, as perhaps Frege did, that a concept was sound only if it resembles a field in being bounded on all sides:

To a concept without a sharp boundary there would correspond an area that had not a sharp boundary–line all around, but in places just vaguely faded away into the background. This would not really be an area at all; and likewise a concept that is not sharply defined is wrongly termed a concept ... The law of excluded middle is really just another form of the requirement that the concept should have a sharp boundary.

(Frege, 1960: 159; see Wittgenstein, 2001: section 71)

Then one must deny that this conception of the soundness of concepts applied to those above, whose application is not determinate in all cases – and this move might be offered even if we accepted the occasion–sensitivity our contextualism ensured; for we might feel that, in *that* case, there was at least a clear answer once the context was properly identified, although the *general* requirement could not be sustained.

Sometimes, then, the institutional account of sport yields clear answers, so that one can genuinely ‘get it wrong’ in thinking of sport a certain way, or of a certain activity as sport – either uncontentiously or as a borderline example. Thus, we can imagine a time in the not-too-distant future where boxing was no longer regarded as a sport, for the sorts of obvious reasons that guarantee that *pankration* (the lethal Ancient Greek martial art) is *not* a sport, despite its place in the Ancient Olympics. The change I am speculating in respect of boxing would be a change in the institutional structure of boxing: perhaps it could not come about while there were large numbers of parents willing to send their children to participate in training in boxing. What is needed, then, might be called ‘a cultural change’ – a change to the culture surrounding boxing – or ‘an institutional change’ but, if it occurred, the change to boxing would come about by changes not reflected in, say, the definition of ‘boxing’. Or so one might think.

Moreover, this institutional perspective recognises innovations in sport, in ways that seem appropriate. Contrast the introduction of the Fosbury flop into high-jumping (where it is now ubiquitous) with the innovations suggested by the case of Oscar Pistorius. Because sport is (weakly) institutional, there was really no difficulty at the conceptual level in generating informed discussion of either case. For the concepts at issue were not bounded in the ways that Frege had supposed. Clearly, Fosbury’s technique conferred an advantage on its user (he won gold at the 1968 Olympic Games). But this was a skill, of a sort – others could, and did, learn it – there was no serious issue as to whether or not it was fair, although it certainly revolutionised high-jumping. And we can imagine objectors claiming that it was not *real* high-jumping. But they were wrong; and history has made that point plainly. The case of the springs, or ‘blades’, that Pistorius used is different. Not everyone needs these ‘blades’ – only a double-amputee like Pistorius. But, if he had won Olympic gold in 2012 using them, one might have feared a rush to unnecessary amputations. Still, considerations of fairness rightly permitted Pistorius to run – there is no automatic corollary in future cases: they can be treated ‘case-by-case’ and regulated by obviously sport-relevant considerations, such as fairness.

A related example (discussed before: McFee, 2004a: 106–7) is the claim by Ronald Dworkin (1978: 24) for the arbitrary character of the rule in baseball ‘that if a batter has had three strikes, he is out’. And of course Dworkin would be right were the choice, say, between three strikes and four: the selection of three would indeed be arbitrary! But the rule could not be ‘one strike and he is out’: that would not give the batter a reasonable chance to display his skill. And it could not be, say, ‘300 strikes and he is out’ as that would make competition in the sport long and boring for the audience. So there are sport-relevant considerations at work here: the rule as we have it is not entirely arbitrary, after all, given the institutional character of sport.

The normativity of institutions

However, the expression ‘institutional account of sport’ might suggest a seemingly quite different structure: one aimed at explaining why sporting rules have the force they do. Now there is a sense in which the right reply, asked about the institutional account of sport, is to say that it stresses rule-following as institutional. That is what we are reiterating now. (Of course, an *authoritative body* would offer one way to elaborate that point, were *sport* institutional in the stronger sense.) So that only takes us so far.

To move forward, we should consider (again: McFee, 2004b) a distinction Morgan (1994: 226; 1995: 60) draws between two conceptions of *ethos*. The first, found in D’Agostino, is *descriptive* in reflecting the fact that:

players and officials have ... conspired to ignore certain of the rules of basketball ... in order to promote certain interests ... e.g. to make the game more exciting than it would be if the rules were more strictly enforced.

(D’Agostino, 1995: 47)

Such behaviour reflects the ‘social standards we presently use to judge and watch the games we judge and watch’ (Morgan, 1994: 56): they amount to the rules we *actually* play by; and, to sort out what they are, ‘we must make this determination *empirically*’ (D’Agostino, 1995: 47). Thus, we might study how the LA Lakers basketball team ‘interprets’ the rules, through its play: which behaviours are regarded as acceptable despite being in conflict with a formal rule (say, against contact); and how penalties play into that situation. But this describes simply how ‘we’ do in fact act: such a *descriptive* conception offers no real basis for our behaving that way. What *usually* happens (say, the answer *usually* arrived at in a mathematical calculation) is formally irrelevant to the normative question of what *should* happen! Thus, I will concede for the sake of argument that – since most long division is performed by children in learning the skill – most of it arrives at the wrong answer. As Morgan (1994: 56) notes, this descriptive view of the *ethos* of a game ‘confuses games with their social setting’ and so offers no reason why one should behave in that way, beyond the fact that others do. D’Agostino (1995: 47) had written here of ‘the interests of institutionalized forces’; but a descriptive account of *ethos* will not count as ‘institutional’ in the sense developed here.

By contrast, a *normative* conception of *ethos* will explain why one ought to, say, follow these rules in such-and-such a way. Such an *ethos* ‘supplies a reason to take seriously and pursue diligently the standards of excellence that infuse the aim of the game, a reason to try to win in whatever way the game demands’ (Morgan, 1994: 225). But how?

One account of rule-following in general (drawing on the work of Kripke, 1982) has attempted to justify the following of a particular rule by a specific person on a particular occasion in terms of the background provided by a rule-following community (to which the person belongs). But that in turn seems to suggest an extant community, whose practices could then be studied – which seems to return us to the *empirical* investigation suitable for *descriptive* conception of *ethos*.

Rather, the point here is just to identify the human power or capacity to recognise *normativity*: we are first trained into it; and later come to apply it in other cases. Wittgenstein (2001, sections 85, 87) exemplifies these two phases by discussing signposts: I learn how to follow them; and later I learn that they can be instantiated in various different forms, and not just by a wooden finger atop a post. But, given the signpost, what one ought to do to follow the path is not arbitrary. Still, nothing compels the behaviour, except the signpost – perhaps in

combination with the *desire* to be following that path! It seemed as though there must be some other source of the normativity. But, as Wittgenstein (1969, section 471) might put it, that thought is an example of *trying to go further back* than the beginning. There is actually no answer, but no genuine perplexity remains.

One might imagine that this discussion would prompt an attempt to formalise our account of rule-following; but earlier comments should be invoked to speak against that idea. As a first approximation, Wittgenstein (2001, section 354) recognized that, as he put, '[t]he fluctuation ... between criteria and symptoms makes it look as though there were nothing at all but symptoms'. That is to say, what is on some occasions merely evidence for some claim (and hence potentially true or false) might, on other occasions, be used to in *explanation* of that claim. Then it would lack this bi-polarity. Thus, when a metal bar in Paris was used as an exemplar for one *metre*, it made no sense to ask whether that bar was a metre long: 'one can say neither that it is one metre long, nor that it is not one metre long' (Wittgenstein, 2001, section 50[b]). Given its role as an exemplar, it was a kind of 'definition', explaining what was meant by 'one metre': as a result, it would be misleading to assert that it *was* a metre long; and hence misleading to deny it. Here, the bar stood as a criterion of metre-hood! But, when no longer viewed as a exemplar, the bar's length could be questioned – had it perhaps expanded in the heat? Now its characteristics are merely symptomatic. So that, in different contexts, the very same form of words ('That bar is a metre long!') can be used to elaborate what Wittgenstein was calling criteria or symptoms. And criteria, as logical operators, are akin to rules – as symptoms are akin to the kinds of generalisations a descriptive account of *ethos* might suggest! So it is unlikely that any neat verbal differentia will be found, since in context one can 'fluctuate' into the other. As a result, what seem to be just rules deployed in *this* particular game might be or become treated as fundamental to the sport it was. Or vice versa. Thus, for example, the hand-ball rule in soccer can *seem* constitutive of the sport, but then (as we have seen above) not be deployed exceptionlessly. And that, in turn, will reinforce our rejection of the hunt for a definition of sport and cognate concepts, since definitions must be exceptionless.

So this discussion of the institutional character of rule-following connects our recent discussion to the initial one. For, although sport is institutional only in the weaker of the two senses sketched initially (it is not institutional in the sense in which *art* is institutional, that requiring an authoritative body), nevertheless, sport is perhaps more strongly institutional than some other candidate practices just because it has codified rules and, correspondingly, governing bodies explicitly regulating such activities. In this way, some of the institutions of sport are concrete. Moreover, they function just as we have described. Thus, suppose the question of the sport status of kabbadi were raised: how might one begin to answer it? Obviously this is not a question with any simple answer. But it is one that must be faced, and resolved, by the International Olympic Committee (IOC). Then, it is relevant here that the IOC takes the view that kabbadi lacks a sufficiently wide following to be an Olympic sport: that is, 'wide following' is read *other than* simply in terms of numbers. The sheer number of kabbadi's followers alone cannot guarantee a wide following (for instance, because they are all in the Indian subcontinent or its diaspora: so a kind of geographical width is required). Then one might ask whether all sports are Olympic sports: obviously, they are not: women's hammer is not in the Olympics; but, if men's hammer is a sport (as it obviously is), the same seems to follow for women's hammer. Still, is that case germane? Is women's hammer excluded from the Olympics for reasons that differentiate it from kabbadi?

My point here is simply to relate the theoretical institutional structure to the concrete one, with the second partly exemplifying the first. For then we see how the practical discussion (say, about kabbadi) might be thought an abstract discussion (also); one of the nature of sport. It

helps if we have given up the idea that sport has an essence; if we are no longer expecting a single unifying account of sport (given in a few lines). And part of the strategy to point us in that direction will be recognising (as above) the various levels at which sport is played. Then we can see that what might be an example of soccer or chess *for these purposes or on this occasion* need not be so universally or exceptionlessly; but without either *soccer* or *chess* becoming something vague.

The suggestion of vagueness arises only when we think of our game or sport as necessarily complete: as comprising, say, a finite totality of rules. Here, Wittgenstein asks:

What is to be understood by ‘all the rules of tennis’? All the rules in a particular book, or all that are in a player’s head, or all those that have ever been uttered, or even: all that can be listed?

(Wittgenstein, 2005: 200e)

The point here is that no complete enumeration is possible, if one grants that these rules apply in those circumstances but that others might apply in different circumstances (as above). Further, it will not help to add ‘and so on’ – we have no way to expanding the list to cover all relevant examples (real and imaginary). As Wittgenstein (2003: 325) remarked, ‘[i]f one wished to give an enumeration ... then the question would arise: Is that *all*?’. Such a question admits of no helpful answer: at present, we might grant that our list (say, of rules) is incomplete but we have no conception either of how to complete it nor (having done so) how to demonstrate that it is complete.

In this way, the attempt to discuss sport by focusing solely on its rules is seen to be misguided: while recognising the importance of the rules in distinguishing this sport from that one, we grant that there is a limit here; and, again, one our institutionalism can address.

Conclusion

The institutional account of sport may not seem to offer much: there will be no neat definition of the kind the idealization of sport might suggest; and, while many factors will have a bearing on the identification of particular sports, none will do so exceptionlessly. Even those most regularly mentioned as perhaps always having *some* bearing, such as the rules of a particular sport, will typically apply in different ways in different contexts or faced with different difficulties. For this reason, although there are definitely regulative and constitutive *uses* of the rules of particular sports, we cannot expect particular rules to be exceptionlessly constitutive or regulative (McFee, 2004a: 43–4). The elegance of a definition, or the hope of exploring sport exclusively in terms of its rule-following character (say), has disappeared. But these facts, while describing the institutional account, conceal its power. The apparent lack of elegance is the price to be paid for a realistic picture of sport (rather than an idealized one), one engaged with the (sublunary) world of sport and, hence, that can reflect both the different contexts within which a particular sport is played (as in our soccer example, above) or the different interests we might have in discussing sport – as fan, teacher, anxious parent, philosopher, and a lot more. In this way, institutionalism licenses the detailed consideration of a particular sport: sports practices can be addressed as they are encountered by the variety of those engaged with sport. And all have a potential role here.

For one insight of institutionalism is the variety of what has a direct bearing on the nature of a particular sport (especially when compared with those who imagine a short list of intrinsic properties of sport): that is not to be reduced to, for instance, the sport’s rules only; nor

exemplified only at some elite level. Indeed, the features of elite sport are obviously not all *essential* for occurrences of that sport (that sport is instantiated without them) but that does not mean that, when present, they are not crucial, in that context, as a topic for informed discussion and (ideally) resolution in *this* case. Moreover, as we saw above, the lack of a (general) definiteness still permits normativity: this is not a case where ‘anything goes’. Institutional regulation remains regulation.

Notes

- 1 In reality, the history of my interest in this idea reflects an invitation to fill in as speaker to sports students, using the only materials I had with me, on the institutional theory of art. The occasion forced me to consider the similarities and differences here, from my understanding of institutional accounts of art. This idea has also been explored independently in Mumford (2012, esp. 31–40), especially in relation to the watching of sport. Some paragraphs here draw directly, or fairly directly, on my article, “Making Sense of The Philosophy of Sport (McFee, 2013a), as reflecting the best way I found to express some points.
- 2 For more on definitions of art, see Davies (2013).
- 3 Thanks to Mike for both the information and for permission to use it.
- 4 This idea of a *practice* is introduced by John Rawls (1967: 144 note):

I use the word ‘practice’ throughout as a sort of technical term meaning any form of activity specified by a system of rules which defines offices, roles, moves, penalties, defences, and so on, and which gives the activity its structure. As examples one may think of games and rituals, trials and parliaments.

As Rawls (1967: 164 note) continues:

[t]hat there is a practice entails that there are instances of people having been engaged and now being engaged in it (with suitable qualifications).

In addition, “[t]he practice view leads to an entirely different conception of the authority which each person has to decide on the propriety of following a rule in particular cases” (Rawls, 1967: 164). Further, that “[o]nly by reference to the practice can one say what one is doing”; moreover, “[t]o explain or to defence one’s own action, as a particular action, one fits it into a practice which defines it” (Rawls, 1967: 165 [both passages]). And Rawls elaborates this view with reference to sporting examples.

Alasdair MacIntyre (1985: 187–91) expands a related conception, on which:

A practice involves standards of excellence and obedience to rules as well as achievement of goods. To enter a practice is to accept those standards and the inadequacy of my own performance as judged by them. ... to submit my own attitudes, choices, preferences and tastes to the standards which currently partially define the practice (MacIntyre 1985: 190).

This is then discussed (in relation to sport and citing MacIntyre) by both McNamee (2008: 43–68) and Morgan (1994: 131–7): in particular, appealing to “the distinctive rationality and the array of goods and virtues that define sporting practices” (Morgan 1994: 226). For some discussion of the importance thereby assigned to practices, see McFee (2004b).

- 5 Addressing the *application* of these rules in sporting contexts, and especially their application in contested cases, is an important task here for elaborating institutionalism: see McFee, 2011b; 2013b.
- 6 Clear examples, in addition to those of Morgan (1994) and McNamee (2003) above, and those they cite, would be Brown (1990), Kretchmar (2003) and Butcher and Schneider (2003), although some simply assume MacIntyre’s position.

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