

**NORMATIVE AUTHORITY IN ELITE MALE TENNIS:
A PHILOSOPHICAL ANALYSIS**

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Abstract

Tennis like any other practice undergoes challenges and revisions to its nature. A number of technical and technological innovations have recently been implemented and/or suggested by a variety of interested parties including the introduction of shorter sets and tie-breaker sets, and a revised tennis seeding structure. These innovations, if adopted, will represent a new instantiation of the game. Thus, determining how decisions concerning the future development of the game ought to be made and who ought to make those decisions is of great importance in terms of how fair the decision-making process is and whether the decisions are good for the game itself. In response to these problems we develop a normative account of "fair play" from MacIntyre's (1985) neo-Aristotelian position, emphasising the importance of the internal goods, practices, and traditions of tennis, and that decisions ought to be made by those who have relevant experience or knowledge of the practice of elite male tennis. This account, however, fails to provide a decision-making method and is vulnerable to the criticism that it is inherently conservative. We consider three theses that might fill this lacunae and from which a rational decision-making method to evaluate technical and technological innovations in elite male tennis could be developed. First, we consider Rawls's (1971) method of "reflective equilibrium" which allows us to clarify issues, and is both systematic and democratic, but it is too far removed from actual sporting practices, their ethos, histories and traditions to have any normative force. Secondly, we consider Rawls's (1987) "overlapping consensus" model which is conscious of the political situatedness of decision-making but it is inadequate since the consensuses which it reaches might be based on criteria external to the norms of sporting practices. In order to ensure that the consensus reached is based on a critical consensus of the internal norms of sporting practices, we consider Walzer's (1983) thesis that cultural spheres have internal norms which must be respected and which are the basis for normative judgements about justice or goodness within that practice. This thesis is sympathetic to, yet critical of, the internal goods, practice, and traditions of elite male tennis, and that decisions ought to be made by those who have experience or knowledge of the practice of elite male tennis. We conclude the thesis by presenting a tradition-practice bound decision-making model that can be used to evaluate technical and technological innovations in elite male tennis which is transparent, democratic, and respectful of the traditions and internal norms of tennis.

Author's declaration

I declare that the work in this thesis was carried out in accordance with the regulations of the University of Gloucestershire and is original except where indicated by specific reference in the text. No part of the thesis has been submitted as part of any other academic award. The thesis has not been presented to any other education institution in the United Kingdom or overseas.

Any views expressed in the thesis are those of the author and in no way represent those of the University.

Signed

Date

12/6/02

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Chapter 1

Introduction

1.1 Contextualisation of the thesis

The majority of contemporary philosophers share the same task in ethics, to search for a theory that offers universal principles that apply systematically to particular cases. It is only in recent times that this approach to ethics has been challenged by the articulation of kinds of moral conservatism that consider the particularity of local moral practices as primary in moral reasoning. This thesis exemplifies the embryonic move from abstract principle to common practice.

Generally, contemporary universalists, including deontologists and consequentialists, orient ethical reasoning and judgement by appealing to certain universal principles about, for example, justice and rights, that are to stand for all people in all circumstances. Universalists may appeal to ideals of motivation and reason, the person, impartiality or rational choice. It is open to debate, however, whether those who appeal to these kinds of ideals can substantiate the principles they argue for without establishing accounts of the metaphysics of the person or specific conceptions of the good, and so on, that are their foundation. Their ethics are rationalist inasmuch as the principles are held to be those that all rational people, in ideal circumstances, would agree to. As soon as there is disagreement, it is assumed that irrationality has entered in the shape of ideological manipulation, power imbalance or bias.

By contrast, contemporary particularists understand ethics very differently. Rather than claiming what would be just or right for all, broadly, particularists aim to anchor ethical claims by appealing to the actual practices, traditions or patterns of judgment of particular communities. This kind of ethics understands reason in terms of its social embeddedness. According to these theoretical perspectives, we must trust in the ethos already existing in social life. In order to comprehend the binding

character of morality we need not discover or design any theory since we are already embedded or situated in what we are searching for. We are bound by the practices, codes and images that systematise the historical life that anchors us. Particularists, then, have a general uneasiness with moral rationalism. Rather, they want to provide a place for the messy, the playful and the undetermined.

The universalist and particularist perspectives are a contrast of two very different ways of considering ethics as a whole. Despite their respective claims to address the whole of ethics, however, they often appear quite content to demote the area of ethics that does not sit easily with the view they favour. Universalists reject the particularist perspective yet, at the same time, frequently seem to acknowledge that they cannot provide much of an account of the virtues, a disposition necessary to effect universal principles in practice. Likewise, though particularists reject the universalist perspective they frequently seem content not to say very much about justice. Where contemporary universalists and particularists do agree is in the conclusion that matters of justice and the virtues must be antithetical. More explicitly, some contemporary essayists on justice try to make a case for inclusive universal principles that define a variety of human rights, obligations, duties, and a conception of the person, yet contend that nothing objective can be said about good lives or virtue. Beyond the sphere of justice in pluralist societies we are met only by a plurality of subjective conceptions of the good that we have no prospect of adjudicating rationally between. We have the capacity to shape, modify, and rationally to pursue our own conception of the good. Thus, according to theorists of justice, a society is just or fair only if it is neutral between the different conceptions of the good that people may hold.

By contrast, many particularists advocate a historicist particularism, embedding the virtues in judgments about the shared particularities of traditions, practices and community. They argue that actions are an appropriate object of rational and fully informed choice for a person only if it would be good for that person to carry out the action. What makes it rational to choose an action is that it is good. It is an

appropriate object of rational choice because it is good. The particularist approach to practical reason, then, is to start with an independent account of the circumstances in which actions are good and then to develop from this an account of practical rationality. According to particularists, then, ethical judgment cannot appeal to inclusive universal principles or to an external or universal viewpoint from which judgments about ethical life can be criticized. For particularists, the universalist preoccupation with inclusive principles or rules which requires the forming of an abstract view of the person, denies the social relations and situatedness of people. It follows from this, they argue, that universalists are insensitive towards the many differences between the people and situations from which they have abstracted. Paradoxically, these criticisms are essentially the same as the main objection that contemporary theorists of justice have of accounts of the virtues: that even if appealing to particular established standards, practices and commitments could settle a satisfactory variety of ethical problems and disagreements, still no good reasons have been offered to suggest that the proposed solutions have ethical authority. Essentially, universalists think that the claims of particularists are prone to arbitrariness.

In sum, the contemporary debate between particularists and universalists is about two contrasting ethical traditions: "the good" and "the right". Particularists prioritise the good over the right, arguing that it is the good that will determine what is right conduct or fair conduct. By contrast, universalists argue that we ought to prioritise the right over the good in order that we might agree on a fair and equitable way to regulate the many different, and often incommensurable, conceptions of the good. Our aim, however, is not to attempt to provide definitive conceptions of the good and the right by entering into a metaphysical debate which attempts to justify one ethical tradition over the other. Rather, it is to offer an account of how both the good and the right can be accommodated and understood in moral reasoning in sports and in elite male tennis in particular.

Like ethics in general, ethics in sport is also concerned with the good and the right. What does a well-played or good game look like? What are right and fair actions in a game? Who ought to evaluate what good and fair games look like, and how ought they to do that? However, although there are always a mix of questions or problems concerning both the good and the right in sports, sports ethicists have generally tended to focus most of their attention on issues pertaining only to the right. Much has been written on right conduct such as rule following and right actions, the development of universal principles such as equality and respect, and the employment of abstract frameworks such as moral norms and social contracts. Fundamentally, since we are concerned with the potential of sports as an arena for human flourishing what the literature on sport ethics needs is an account or method of moral reasoning in a particular sporting practice that demonstrates both good and fair practice.

In order to provide an account of how both the good and the right can be accommodated and understood in moral reasoning in sports, two core aims form our research problem. The first aim is to develop a philosophical analysis of the notion of normative authority. The second aim is to develop a new methodological approach to decision-making that accommodates the two distinct ethical traditions of the good and the right. Two research questions emerge from these core aims. The first concerns the ethical: Which criteria are selected to justify innovations that will benefit the practice of elite male tennis while simultaneously safeguarding its integrity? Here the objective is to develop a principled, non-subjective, debate about how a cultural practice like tennis flourishes. The second research question concerns the political: Who will determine the criteria? Here the objective is to determine who ought to decide what is best for tennis in terms of its evolving traditions and competing styles of play. The structure of the thesis is as follows.

1.2 Structure of the thesis

Our rationale in chapter 2 is to develop a normative account of “fair play” from a neo-Aristotelian position. The importance of internal goods, practices and traditions are emphasised as well as the notion that decisions ought to be made by those who have relevant experience or knowledge of the practice of elite male tennis. The account is lacking, however, to the extent that it does not provide a decision-making method and is vulnerable to the criticism that it is inherently conservative since it relies on practices and their traditions for justification.

In chapter 3 we explore critically some of the main philosophical treatments of “fair play” in order to formulate and present a preferred conception of “fair play” which is situated within normative authority in elite male tennis. We begin by describing briefly the historical development of “fair play” and tennis. This is followed by a discussion of “fair play” as: formalism; understood in terms of virtues; play; respect; a contract or agreement, and; a system of rational norms. We argue that all these accounts are lacking since they fail, in varying degrees, to consider the ethos of games. The question this raises, however, is whether the ethos has normative force. Understanding “fair play” as the ethos of games is also lacking since it is not conscious of the political situatedness of decision-making. Thus, understanding “fair play” simply in terms of the ethos of games does not morally justify one interpretation of the ethos of a game over another. We argue that what is needed is a method or procedure that systematically and critically views the ethos to which it is suggested we adhere to in order to justify that particular ethos or interpretation of the game. We conclude by suggesting that we consider three theses that might fill this lacunae and from which a rational decision-making method to evaluate technical and technological innovations in elite male tennis could be developed.

First, in chapter 4 we focus on the question of *how* we ought to select the criteria to justify technical and technological innovations that will benefit the practice of elite male tennis while simultaneously safeguarding its integrity by exploring the method

of “reflective equilibrium”. This model allows us to clarify issues, and is both systematic and democratic, where democratic is understood to denote inclusive. We reject this method, however, since it is too far removed from actual sporting practices, their ethos, histories and traditions, to have any normative force. We conclude that whilst “reflective equilibrium” is a praiseworthy procedure for evaluating technical and technological innovations in elite male tennis it is too “thin” a method since it disregards the diversity and the moral importance of the different cultures in which people live in general and tennis more specifically.

Secondly, in chapter 5 we consider *who* ought to determine what criteria are selected to justify technical and technological innovations that will benefit the practice of elite male tennis by exploring an “overlapping consensus” model. We argue that in order for sport to flourish all substantive policy decisions concerning the conduct and reform of sport ought to be determined by practice-communities. We also argue that an “overlapping consensus”, which prioritises the right over the good, can help guide the members of practice-communities of elite male tennis in their evaluation of technical and technological innovations to the game. We conclude, however, that although this model is conscious of the political situatedness of decision-making we eschew it since consensus which it reaches might be based on criteria external to the norms of sporting practices.

In order to ensure that the consensus reached is based on a critical consensus of the internal norms of sporting practices we consider in chapter 6 the idea that cultural spheres have internal norms which must be respected and which are the basis for normative judgements about justice or goodness within that practice. We conclude that a “social meaning and interpretation” thesis enriches or deepens our understanding of goods and practices. It is sympathetic to, yet critical of, the internal goods, practices, and traditions of elite male tennis, and that decisions ought to be made by those who have relevant experience or knowledge of the practice of elite male tennis.

In the final chapter of the thesis, chapter 7, we argue in favour of the necessity of a tradition-practice bound decision-making model to evaluate technical and technological innovations in elite male tennis. We discuss why it is important that, in the context of sports at least, and in elite male tennis specifically, we ought to prioritise the good over the right. We illustrate how a tradition-practice bound decision-making model might look in practice in the evaluation of technical and technological innovations in elite male tennis. We conclude that a tradition-practice bound decision-making model has a valuable contribution to make to the ethical evaluation of technical and technological innovations in elite male tennis since it is transparent, democratic, and respectful of the traditions and internal norms of tennis.

Chapter 2

Tennis as a MacIntyrean Practice

2.1 Introduction

In order to resolve the current problem of the dominance of power-serving in elite male tennis a number of technical and technological innovations have been suggested by a variety of interested parties such as tennis administrators, the sports media, players and spectators. Among these innovations are that players should be allowed one serve only, that racket dimensions should be limited, that slower and larger balls should be introduced, that players should return to wooden rackets, that the court dimensions should be changed and that very fast surfaces should be banned. Whichever of these innovations, if any, is selected to resolve the issue of the dominance of power-serving in elite male tennis, it will represent a new instantiation of the game. Thus, determining how decisions concerning the future development of the game ought to be made and who ought to make those decisions is of great importance in terms of how fair the decision-making process is and whether the decisions are good for the game itself.

Our aim in this chapter is to determine whether, and/or to what extent, the notion of “fair play” is manifest in elite male tennis in relation to the technical and technological innovations that shape how the game is played. The idea of exploring the concept of “fair play” from a normative perspective is supported by Morgan (1994:188; 1998) who argues, following MacIntyre (1985), that “immanent critique”, rather than Nagel’s (1986) objectivist “view from nowhere”, must be employed to examine the complex relations between sports practice and sports institutions. Thus, we will approach the question of “fair play” by reflecting critically on the nature of tennis in terms of a type of complex human activity as outlined in Alasdair MacIntyre’s (1985) celebrated thesis, *After Virtue*, which is grounded in a virtue-based practice-institution-tradition model. This will determine the extent to which MacIntyre’s thesis illuminates fairness in contemporary elite male tennis. We conclude that although MacIntyre’s thesis does, to a certain extent, illuminate fairness in contemporary elite male tennis, his

thesis is lacking in two ways that are particularly relevant to our aim. First, his thesis does not provide a decision-making method by which we can evaluate technical and technological innovations. Secondly, his thesis is an inherently conservative account since it relies on practices and their traditions for justification.

The structure of the chapter is as follows. First, a generalised account of MacIntyre's (1985) normative thesis based on his virtue-based practice-institution-tradition model will be described in the context of tennis. This will include reference to the place of the virtues in the concept of a practice, the narrative unity of a human life and the concept of a tradition. This will be followed by a critique of these concepts in the context of elite male tennis in order to determine the extent to which MacIntyre's thesis illuminates fairness in contemporary elite male tennis. This will consist of, first, an exploration of the distinction between practices and institutions. This will be followed by an exploration of the nature, range and functions of the virtues. We begin, then, with a description of MacIntyre's virtue-based practice-institution-tradition model in the context of tennis.

2.2 Tennis as a type of complex human activity

In order to examine the question of "fair play" in elite male tennis the nature of tennis as a type of complex human activity will, following MacIntyre (1985), first be described and then critically evaluated. This approach follows other moral philosophers including Plant (1974), Walzer (1983), Morgan (1994), and McNamee (1995:69) who advocate that "one can only proceed to evaluate a given object or activity when one has offered a description of its proper nature".

According to Taylor (1989:3):

Much contemporary moral philosophy (...) has tended to focus on what it is right to do rather than what it is good to be, on defining the content of obligation rather than the nature of the good life;

and it has no conceptual place left for a notion of the good as the object of our love or allegiance.

Like Taylor (1989), MacIntyre (1985) also presents a version of the good life based on the Aristotelian ethical ideal of living well rather than according to the principle of right conduct. MacIntyre rejects what he believes to be the individualism, fragmented incoherence and endless dissension of contemporary morality and outlines instead what he believes to be a rich and coherent account of the good life based on a neo-Aristotelian conception of ethics. He endeavours to provide a revised Aristotelianism that centres on a narrative self, situated in a particular place and a particular time, who possesses a nucleus of virtues that are acquired, exhibited and produced in a diverse range of shared social practices that are themselves essential components of broader cultural traditions. MacIntyre's (1985:184) portrayal of the good life, then, centres on a life lived in harmony with the virtues: "The exercise of the virtues is itself a crucial component of the good life for man [sic]". He employs three main concepts: a practice, the narrative unity of a human life and a tradition. It is these three concepts that are meant to provide a rational framework for morality in which the concept of virtue retains a central place. These concepts and their relations to each other are described below in the context of tennis. First, however, a brief characterisation of the game of tennis is outlined guided by the rules for singles and doubles play since they specify the technical specifications of the court and equipment, what is admissible tennis play, and the scoring system. Some of the technical and technological innovations that have evolved throughout the history of the game will also be outlined in order to contextualise some of the contemporary characteristics of the game.

2.2.1 The rules of tennis

The game of tennis is played between two singles opponents of the same gender or two doubles pairs of the same gender or one male and one female in each pair (mixed doubles). The winner of the match is the first person or pair to win either 2 sets in a best of 3 sets match or 3 sets in a best of 5 sets match (generally men

only). There are some forty rules of tennis stipulated by the international governing body of tennis, the International Tennis Federation, hereafter called the ITF (ITF, 2002a). Rules 1 to 4 specify the court dimensions, the court markings and permanent fixtures, the bounce, size and weight of the ball, and the dimensions of the racket. The court is a rectangle 78 feet long and 27 feet wide which is divided across the middle by a net that is no more than 3 feet high at the centre and which is held in position by two posts at either end. The base-lines bound the ends of the court while the side-lines bound the sides of the court. The service-lines are drawn on both sides of the net, 21 feet away from it and parallel with it. The service-courts are the areas on both sides of the net between the service-line and the side-lines which are divided into two equal parts by the centre service-line. The ball should be white or yellow with stitchless seams. There are three different ball types depending on the surface being played on. Ball Type 1 is a fast speed ball for slow pace surfaces. Ball Type 2 is a medium speed ball for medium to medium/fast pace surfaces. Ball Type 3 is a slow speed ball for fast pace surfaces. The frame of the racket should not exceed 29 inches in length and 12.5 inches in width. The hitting area surface of the racket should be flat and consists of a pattern of crossed strings connected to a frame and alternately interlaced where they cross.

Rules 5 to 16 specify what is to count as admissible tennis play. These rules begin with serving and a group of sub-rules determine what is to count as serving in terms of the position of the feet of the server, the path and bounce of ball, lets, faults, and so on. The players stand on opposite sides of the net; the player who starts the point is the server whilst the other player is the receiver. The server stands alternately behind the right and left courts beginning from the right in every game. The server places the ball by hand in the air and, before the ball falls to the ground, hits it with his or her racket over the net and into the service court diagonally opposite. If the first serve is a fault the server serves again from the same half of the court. The service is a "let" and the point replayed if the ball served touches the net before falling into the correct court. At the end of the first game the receiver becomes the server and the server becomes the receiver and then continue to alternate in this way in all the following games of the match. The

players change ends at the end of the first, third and every subsequent alternate game of each set.

Rule 17 clarifies what it is for a ball to be in play. The ball is in play from the moment it is delivered in service until the point is decided unless a fault or let is called. Once this has been clarified, rules 18 to 20 identify the different ways in which the server or the receiver can win a point. For example: the server wins the point if the ball served touches the receiver before it hits the ground; the receiver wins the point if the server serves two consecutive faults; a player loses the point if he or she volleys the ball before it has passed over the net. Rules 5 to 20, then, specify what goes on in the course of play. Rules 21 to 25 specify how to proceed when a player hinders play, a ball falls on the line and a ball touches permanent fixtures, what constitutes a good return and hindrance of a player.

Rules 26 to 28 specify the scoring system to be used in order to determine the winner of the match. In a game if a player wins the first point the score is called 15 for that player; on winning the second point the score is called 30; on winning the third point the score is called 40, and; on winning the fourth point the score is called game for that player. The exception to this is if both players have won three points when the score is called deuce. In this case the next player to win the next point is called advantage. If the same player wins the next point that player has won the game. If not, then the game reverts to deuce and points are continued to be played until one of the players wins the two consecutive points immediately following deuce. In a set the first player to win six games by a two game margin wins the set. If both players have won six games each then a tie-breaker is played. The player whose turn it is to serve is the server for the first point. The opponent is then the server for the next two points and thereafter each player serves alternately for two points, changing ends every six points, until the game and set is finished. The first player to reach seven points by a margin of two points wins the game and the set. If the score reaches six points all then the tie-break continues until a player is two points ahead. In elite male tennis a match is either the best of 5 sets or the best of 3 sets, that is, the winner is either the first player to win 3 sets or the first player to win 2 sets. Rules 29 to 32 specifies the

role of court officials, what constitutes continuous play and rest period, the role of coaching, and ball change procedures.

Although all of the above rules apply to the doubles game, rules 33 to 40 relate to the rules particular to doubles. The court for doubles is 36 feet wide. In doubles the order of serving is decided at the start of each set. The partner of the player who served in the first game serves in the third game and the partner of the player who served in the second game serves in the fourth game and so on in the same sequence for the remainder of the set. The order of receiving is also decided at the start of each set. The pair receiving the service in the first game decide which partner shall receive the first service and that partner continues to receive the first service in every remaining odd game of the set. The other pair also decide which partner shall receive serve in the second game of the set and that partner continues to receive the first service in every remaining even game of the set. Partners receive service alternately through each game.

Having outlined the rules of tennis we can see that they show much of what is crucial to the structure of the game of tennis. The rules specify an end: what it is for the person serving or receiving to win a point. A range of secondary proscribing and prescribing rules specify the means by which that end can be achieved. For example, a scoring system has been specified which, by assigning numerical values to the achievement of ends, decides the winner. Of course, this is not all there is to the game of tennis as beyond the "bare bones" of the rules there are the techniques, skills and strategies of the players as well as their personal dedication and attitude to the game. Moreover, since no set of rules exists that can specify completely every possible action in a game the rules must be interpreted. These ideas will be returned to later in the thesis. Nevertheless, the above characterisation provides, to a certain extent, an overview of the structure of a contemporary game of tennis.

2.2.2 *Technical and technological innovations*

It is significant, however, that the rules of tennis that determine the technical and technological boundaries within which contemporary tennis is played have not always been as such. Rather, they have gradually evolved over a period of time. One example relating to the dominance of power-serving in contemporary elite male tennis is illustrated by how much the technical rules relating to the service have evolved in the last 120 years. In 1877 the net was 5 feet high at the posts, 3 feet 3 inches in the middle and the service line was 26 feet from the net as opposed to the net today which is 3 feet high at the posts and the middle and a service line which is 21 feet away from the net; what is now considered to be a service “let”, that is, a ball hit by the server hits the net before falling into the correct court, was considered to be a good serve in 1877, and; until 1878 all services were either underarm or hit like a drive at waist level whereas serves are now hit over-arm¹ (Tingay, 1973).

One of the earliest examples of a policy for tennis technology relates to the evolution of the tennis ball. The ITF² chose an American ball manufacturer for the 1924 Olympic Games in Paris. The French Tennis Association believed their players would be at a disadvantage because, despite specifications for ball size, weight and bounce, different compression in balls made American balls feel lighter than European balls. (New York Times, 1924a, quoted in Gelberg, 1998). Their concern for the technical specifications of the ball led to the compression requirement for tennis balls to be standardised with effect from 1926 (New York Times, 1924b, quoted in Gelberg, 1998).

Despite the restrictions on balls there were no limits on tennis rackets until 1978. Although there are a number of conflicting accounts of the history of the early development of tennis, where and when it originated and by whom (Tingay, 1973; Walker, 1989; Morgan, 1991; 1996; Gelberg 1998), they cannot all be explored here due to lack of space. Nevertheless, Gelberg’s (1998) account, which we rehearse here, illustrates adequately the technical and technological developments relating to the tennis racket. During the Renaissance tennis was played with the

hand not a racket. While the introduction of the racket at the beginning of the 17th century minimised the effort involved and could make the game more efficient, it was criticised by some players for destroying the grace and elegance of the game. Wooden rackets strung with sheep intestines remained virtually unchanged from the 17th century until 1967 when Jimmy Connors started playing with a stainless steel racket that was lighter and more aerodynamically efficient and which could generate much more powerful shots although it had less feel than wood. 1976 saw the advent of oversized rackets that did not twist out of control when the ball was hit off centre. They seemed to be a good substitute for skill and practice although it was argued that these rackets failed aesthetically and compromised control.

Throughout the period since its inception in 1923, all racket innovations were permitted by the ITF. This ended in 1978 with the introduction of the “spaghetti strings” racket (Gelberg, 1998:103). The innovative stringing system was so named as it seemed to “grab” the ball, holding it on the strings longer and imparting excessive spin on the ball which, arguably, confused opponents to the extent that they made so many errors it led to their defeat. It was this innovation that finally pushed the ITF to ban such rackets based on their belief that the strings compromised the athletic challenge of the game, and led them to develop a rule defining the tennis racket for the first time. We will return to the question of what constitutes the athletic challenge of the game of tennis later in the thesis. For now, however, we can say that these examples illustrate that contemporary tennis rules and regulations have evolved to their present state as a consequence of a long line of previous rules and regulations. Having characterised the structure of a contemporary game of tennis and provided a snapshot of some the historical technical and technological innovations in the game, the remainder of this section will contextualise the game of tennis within MacIntyre’s (1985) concepts of a practice, the narrative unity of a human life, and a tradition. We begin with the concept of a “social practice”.

2.2.3 *The concept of a social practice*

MacIntyre (1985:187) describes the virtues in terms of “excellence” and proposes that a “practice” provides “the arena in which the virtues are exhibited”. For MacIntyre, a practice is a social, co-operative enterprise, within which people attempt to reach the standards of excellence that define it in a manner that extends them as human beings both individually and collectively in terms of mental and corporeal qualities in a morally commendable way. He defines a “practice” as:

... any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended. (MacIntyre, 1985:187)

He explains that under this conception, throwing a football with skill is not a practice but the game of football is. Likewise, bricklaying is not a practice but architecture is. It follows that hitting a tennis ball with skill is not a practice but the game of tennis is. Two further ideas central to his account of a practice are the internal goods particular to a practice and the virtues necessary to realising the internal goods. MacIntyre (1985) explains what he means by internal goods by differentiating them from external goods. His explanation can be contextualised in terms of the practice of tennis thus:

... there are the goods internal to the practice of [*tennis*] which cannot be had in any way but by playing [*tennis*] or some other game of that specific kind. (MacIntyre, 1985:188) (*insertion added*)

In other words, the internal goods are inextricably bound up with the practice of tennis. After all, the satisfaction felt from hitting a topspin tennis serve can only be experienced by hitting a topspin tennis serve. A player may experience a feeling of joy after playing a particularly well thought out point. The thrill that a particularly close game provides a player with is also an internal good. Playing

“in the zone” provides players with the sensation that the game can be played easily and fluidly. What is significant is that internal goods assume the character of experiential values. Further, the internal goods of the practice of tennis must be experienced as an insider:

... they can only be identified and recognised by the experience of participating in the practice in question. Those who lack the relevant experience are incompetent thereby as judges of internal goods. (MacIntyre, 1985:188-9).

Following MacIntyre’s (1985) account, then, only those who experience the internal goods of tennis *ought* to judge its internal goods. He explains what he means by external goods in the following way:

... there are those goods externally and contingently attached to [*tennis*]-playing and to other practices by the accidents of social circumstance ... such goods as prestige, status and money. There are always alternative ways for achieving such goods, and their achievement is never to be had only by engaging in some particular kind of practice. (MacIntyre, 1985:188) (*insertion added*)

Put another way, external goods are not practice specific. Earning \$100,000 for winning a tennis tournament, for example, is not the only way to earn \$100,000.

The second idea central to MacIntyre’s (1985) account of a practice is that the virtues are essential to realising the internal goods of a particular practice:

A virtue is an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods. (MacIntyre, 1985:191)

He explains that:

... goods can only be achieved by subordinating ourselves within the practice in our relationship to other practitioners. We have to learn to recognize what is due to whom; we have to be prepared to take whatever self-endangering risks are demanded along the way; and we have to listen carefully to what we are told about our

own inadequacies and to reply with the same carefulness for the facts. In other words we have to accept as necessary components of any practice with internal goods and standards of excellence the virtues of justice, courage and honesty. For not to accept these ... bars us from achieving the standards of excellence or the goods internal to the practice that it renders the practice pointless except as a device for achieving external goods. (MacIntyre, 1985:191)

In other words, members of the practice of tennis can only gain an appreciation for the excellences of tennis, and thus attain the internal goods of the practice of tennis, if they pursue the excellences particular to tennis in a way that embodies virtue. An elite male tennis player, for example, who cheats to win his match does not embody the virtue of justice. Similarly, if we accept that competitiveness is a virtue of sport³ then competitiveness is not embodied if a player "tanks"⁴ a match. This brief outline of MacIntyre's (1985) account of a practice is incomplete until the role of institutions in relation to practices is included. According to MacIntyre, institutions are agencies that are primarily concerned with organising and distributing external goods or rewards such as power, wealth and status. This is necessary to sustain both themselves and the practices for "no practices can survive for any length of time unsustained by institutions" (MacIntyre, 1985:194). For instance, one of the main responsibilities of tennis institutions such as the ITF and national governing bodies such as the United States Tennis Association, hereafter called the USTA, are responsible for generating financial income and reinvesting it in the sport in order to increase and improve playing facilities and increase rates of participation. According to MacIntyre (1985:194), it is such close relations between practices and institutions and hence the internal goods of the practices and the external goods of the institutions that leaves practices "vulnerable to the acquisitiveness of the institution". This is why he locates the virtues within practices as without virtues such as justice, courage and truthfulness, practices are unable to resist the corrupting power of institutions. The concept of a practice, then, is inherently social in nature as it deals with virtue in the social world. However, as it is important to be able to assess the whole of a person's life, MacIntyre considers the realisation of virtue in the lives of individuals.

2.2.4 *The concept of the narrative unity of a human life*

Virtues not only enable us to excel in practices but also support our overall quest for the good life:

... the good life for man is the life spent in seeking for the good life for man, and the virtues necessary for the seeking are those which will enable us to understand what more and what else the good life for man is. (MacIntyre, 1985:219)

This is MacIntyre's (1985) concept of the narrative unity of a human life. As he remarks:

... unless there is a *telos* which transcends the limited goods of practices by constituting the good of a whole human life, the good of a human life conceived as a unity, it will *both* be the case that a certain subversive arbitrariness will invade the moral life *and* that we shall be unable to specify the context of certain virtues adequately. (MacIntyre, 1985:203) (*emphasis thus*)

These two considerations are fortified by a third:

... there is at least one virtue recognized by the tradition which cannot be specified at all except with reference to the wholeness of a human life - the virtue of integrity or constancy. (MacIntyre, 1985:203)

According to MacIntyre's (1985) conception of the narrative unity of a human life, then, an action is only intelligible if it is understood as being an event in the history of the life of a person and of the settings in which it transpires. As action is essentially historical in character, MacIntyre sees our lives as being enacted narratives in which we are simultaneously characters and authors. It is within the framework of this narrative form that we try to make rational choices concerning the conflicting demands of different practices. We can illustrate this in the context of elite male tennis. Suppose, for instance, that a young elite male tennis player is trying to decide between continuing to pursue a career in tennis and pursuing an academic career. Following MacIntyre's concept of the narrative unity of a

human life it is not a question of whether tennis is inherently more valuable than education as such a choice is not being made within a void. Rather, the choice is being made in a social context, by a particular person at a particular period in his particular life. Thus, it is not a question about whether the internal goods of tennis or education are best, but rather, the extent to which the internal goods of tennis and education matter the most to the player. In other words, it is whether the player really sees himself as living his life as a tennis player or as a student. According to MacIntyre, asking the question is as important as the resulting answer as this is what supplies the moral life with its unity, the unity of a narrative quest for the good life. Thus, searching for a conception of the good life allows us to order other goods in our lives and to increase our understanding of the virtues. He consequently offers a revised account of the virtues:

The virtues are therefore to be understood as those dispositions which not only sustain practices and enable us to achieve the goods internal to them, but which will also sustain us in the relevant quest for the good by enabling us to overcome the harms, dangers, temptations and distractions which we encounter, and which will furnish us with increasing self-knowledge and increasing knowledge of the good. (MacIntyre, 1985:219)

According to MacIntyre (1985), then, narratives necessarily refer to the roles, expectations and assumptions that constitute the tradition in which a person lives his or her life. For instance, the historical specificity of practices means that the actions of a contemporary British sportsperson are only properly explained by referring to a set of assumptions and background beliefs very different from those involved in explaining the actions of, say, a 4th century Athenian sportsman. The different expectations of the social roles of men and women in 4th century Athens meant there were no Athenian sportswomen. By contrast, the expectations of the social roles of contemporary British women does not preclude there being female sportspeople. Thus, it would, following MacIntyre, be misleading to try to explain the actions of both in the same terms as clearly the shape of the quest for the good life is not the same for everyone everywhere. He adds, however, that as individuals we not only live in different social circumstances we also approach our specific circumstances as carriers of a particular social identity. We inherit a

range of debts, rightful expectations and obligations from our families, cities and nations, and these inheritances constitute the “moral starting point” of our lives that, in part, provides individual lives with their own particularity (MacIntyre, 1985:220). MacIntyre is claiming then, that the possession of both a historical identity and a social identity coincide. His claim that a pivotal part of this social inheritance is an individual’s membership of a tradition is outlined below.

2.2.5 The concept of a tradition

According to MacIntyre (1985), we base our understanding of the life and character of a person in the tradition of which that person is a member:

A living tradition then is an historically extended, socially embodied argument, and an argument precisely in part about the goods which constitute that tradition. Within a tradition the pursuit of goods extends through generations, sometimes through many generations. (MacIntyre, 1985:222)

A tradition is constituted by a series of practices and is a way of understanding their significance and value. A tradition is the channel by which practices are formed and conveyed from one generation to the next. Thus, for MacIntyre (1985), the life history of people who are members of traditions are embedded in the larger narrative of a historically and socially extended debate about what the good life for human beings is. He explains that this background determines each individual’s resources for making rational decisions about how to pursue their quest for the good life as it will be in terms of the tradition’s best understanding of its practices and of the ways those practices might be evaluated and criticised that individuals will evaluate and criticise their own attempts to live the good life.

According to MacIntyre (1985), then, the communal understanding embodied in a flourishing tradition ought to be subject to continuous discussion. Thus, following his account, the practice of tennis will be partly constituted by a continuous debate as to what a good tennis match might be. We can illustrate this by the way in which the same tennis match can be viewed from different

perspectives. There are, for instance, different physical standpoints such as watching a match on television with its very many different camera angles and slow motion replay facility or watching the match live from the same court-side seat. There may also be different loyalties. Ecuadorians, for example, may consider the vital final rubber in the 2000 Davis Cup relegation play-off tie against Great Britain in which their seventeen year old player won the match after having lost the first two sets to be a great match. Supporters of the British team may think the opposite. It depends on the standards by which goodness is determined. Tennis writers, commentators, players and the public often refer to "great" or "classic" matches of the past in order to situate what they consider to be the great matches of the present. One tennis writer, for example, described the first point of the match between the French player Suzanne Lenglen and the American player Helen Wills in 1926 thus:

Suzanne tiptoed up to the baseline, paused for just a fraction of a second, and then gracefully lifted the white ball high into the air above her left shoulder. With a familiar incomparably fluid motion she arched backward to watch the ball and then leaned forward while bringing her racket up and over her head to strike the ball and send it gliding straight and flat and without spin deep into the corner of Wills's service court. The American girl skipped from the base-line to make a solid forehand return. The crowd of 4,000 spectators inside and the equally large multitude outside became silent. (Engelmann, 1988:45)

This particular match continues to be referred to by many tennis writers, television commentators, and fans, as one of the greatest matches ever played. It has become a benchmark by which more contemporary clashes have been measured for "greatness" in the women's game including any number of the clashes between Martina Navratilova and Chris Evert in the 1980's or the Martina Hingis versus Steffi Graf French Open final in 1999. One tennis writer, reporting on the "classic" 1980 Wimbledon final between Bjorn Borg and John McEnroe described the fourth set tie-break thus:

... it was becoming a duel of the highest class. Both men had honed their game to near perfection, sprinkling the wrinkled court with power and guile and so much skill that even the bad bounces

were handled with a deft turn of the wrist or adjustment of the racket head. At 4-4 in the magnificent fourth set, Borg forced another breach in the New Yorker's armour. Again it was his ability to meet McEnroe's sizzling first serve, which flew at him off the apex of the service box, with a crushing cross-court return that earned him the break. (...) soon we were into the historic tie-break (...) so finely balanced that match-points and set-points seemed to ricochet back and forth across the court with the blur of syncopated rhythm. (...) he clinched it on the fifth [set point] with a heavily top-spun service return that was dipping too quickly for Borg to control as he tried an ambitious stop volley. The Centre Court erupted. John McEnroe Senior was out of his seat and Junior was clenching his fists and staring at the heavens. (Evans, 1990:97-8)

After the match Evans (1990:95-6) asked:

Was there ever a better final than this? Has one match ever produced dramas, tenacity, power and sportsmanship in greater abundance? Can anyone now deny that Bjorn Borg is one of the greatest players of all time or that John McEnroe stands on the very threshold of greatness?

Many tennis spectators and current elite tennis players may not have been old enough to have seen the Borg versus McEnroe match but many would have shared an awareness or have knowledge of the quality of the match and its place in tennis history. There may only be a few people left alive who saw the Lenglen versus Wills match in 1926 yet it continues to be referred to by tennis commentators and tennis writers as "one of the greatest matches of all time". The point we are making is that written accounts of such tennis matches are essentially what MacIntyre (1985:216) calls "story-telling", that is, the telling and retelling of stories that are handed down from one generation of the practice-communities of tennis to another. Moreover, although there are now video tapes of many of the "great" matches the verbal accounts of these matches by people who witnessed them and their ongoing discussions about what constitutes a good game of tennis are also significant. As Inglis (1977:5) puts it:

This is how a society makes its history. How its imagination continues and makes a tradition: an assembly of names and

occasions, great victories[®] and defeats, of ways of seeing and celebrating these things.

The members of the practice-communities of tennis seek a common good in tennis excellence. In order to accomplish this they must exhibit a commitment to understanding the ethos of tennis, its internal goods, customs, rituals, history and traditions, and to seeing the good of the practice as defining, in part, their own good. Thus, following MacIntyre (1985), when new standards of excellence in a sport are reached and new dimensions of the kind of life intrinsic to that sport are realised, it is of benefit to all the members of the practice-communities of that sport. When Borg and McEnroe, for example, raised the level of the game of men's tennis to new heights members of the practice-communities of tennis at least had the opportunity of being able to benefit from, and be uplifted by, their on-court achievements.

We have described tennis in the context of MacIntyre's (1985) virtue-based model, which emphasises the importance of internal goods, practices, traditions, wherein only those who experience the internal goods of a particular practice ought to judge its internal goods. We develop a critique of his account in the remainder of the chapter in the context of elite male tennis in order to determine the extent to which his account illuminates fairness in contemporary elite male tennis.

2.3 The distinction between practices and institutions

We begin by exploring the clarity of MacIntyre's (1985) distinction between practices and institutions since he seems to revere the characteristic features of practices but treat with disdain the role of institutions. Before we proceed with our critique, however, we set out here his account of the acquisitive nature of institutions in the context of elite male tennis.

2.3.1 The acquisitive nature of institutions

There are many examples of what is arguably corruption in sports, including tennis, that illustrate the complex relations between institutions and practices. At the Wimbledon tennis championships, for example, the trend in recent years seems to be for the All England Lawn Tennis Club⁵ Order of Play Committee to schedule the top seeds and the most popular players to play their matches in the early evening. Scheduling these kinds of matches after the conventional working day is over arguably maximises the television viewing figures and spectator attendance, thus maximising their revenue from sponsors and gate receipts. Following MacIntyre's (1985) account, such considerations are external to the logic of the practice of tennis as they focus on the acquisition of external goods in terms of economic gain and prestige for the championships. Yet, there are benefits to be had. The increased revenue from sponsors and spectators can be reinvested in the game to provide more and better playing facilities so there are more opportunities for people to play the game or to improve the standard of their play. Moreover, television is a medium by which the game can be taken to a much wider audience than non-televised sports, which may result in new participants taking up the game and an increase in existing participation rates.

Nevertheless, this kind of scheduling seems to be effectively penalising a particular group of players since matches that go to five sets may have to be carried over and finished the next day. Thus, a seeded or popular player may not benefit from a full day of rest in between matches or may have to play matches two days running. There is also the possibility that some of these matches may not even be started if the other matches scheduled on the same court take longer than expected. The player may have wasted valuable energy on pre-match mental preparation. The grass courts are also more likely to become damp and therefore physically dangerous to play on late in the evening, thus leaving players vulnerable to physical injury. Finally, such scheduling may involve players having to play part of their matches in bad light unnecessarily.

The semi-final at the 2001 Wimbledon championships between the British player Tim Henman and the Croatian player Goran Ivanisevic seems to be a case in point. No British player has won the title since Fred Perry in 1936 so to have a British player in one of the semi-finals was a significant achievement. Ivanisevic had only been accepted into the draw through a "wild card"⁶ which left Henman, a seeded player, as favourite to win the semi-final. The first semi-final between Patrick Rafter and Andre Agassi had been completed in sunshine earlier in the afternoon. The Henman versus Ivanisevic match, scheduled as second match on Centre Court, began late on the Friday afternoon, arguably, in order to maximise the television watching population as people came home from work. Rain stopped play in the Henman versus Ivanisevic match as Henman was poised at two sets to one up. The match resumed two days later and Ivanisevic went on to win the match. It could be argued that Ivanisevic benefited from the break in the momentum of the match after the rain delay although it may simply be the case that even if the match had not been suspended because of rain he would have turned the match around and won. Nevertheless, the point we are making regards whether this kind of scheduling is fair. We explore this here below.

Following MacIntyre's (1985) account, the outcome of tennis matches ought to depend on the excellences that define tennis such as technical and tactical skills and abilities, anticipation, speed around the court, hand/eye co-ordination, and so on. These are the internal goods of tennis as they can be had *only* by engaging in the practice of tennis or a similar kind of game. Yet, perhaps it could be argued that as good hand/eye coordination is needed to finish playing a match in bad light as players need to react more quickly than in good light, the ability to play a match in bad light is an internal good of tennis. Perhaps it could also be argued that there is a certain kind of tactical skill required to play matches on damp and slippery grass courts since players need to try to lessen their movement around the court yet increase the movement of their opponent. Thus, the ability to play on damp courts and in bad light could also be conceived of as internal goods of tennis. Yet, following MacIntyre's account, these are not internal goods since they do not seem to be identified and recognised as being internal goods of tennis by those who actually participate in the practice of tennis in which the internal

goods are embedded. According to his account, only those who have the relevant experience are competent to judge internal goods. In other words, elite tennis players do not seem to identify and recognise the strategic ability needed to win matches on damp and dangerous grass courts or the hand/eye coordination needed to play in bad light as prerequisites to being an elite tennis player. Rather, it seems as though as soon as players consider the light is too bad to play in or the courts are too slippery to play on they are generally very eager to leave the court as soon as possible.

What is at issue here is whether or not such scheduling is fair. It seems that although there may be times when players find themselves in situations where they must and do exhibit certain skills and abilities which enable them to play and win matches on damp and dangerous courts, in bad light, without a full day of rest between matches, and so on, it is more a question of whether such scheduling is being distributed as fairly as is possible amongst all the players. After all, there may be exceptional times when it is necessary for some players to forego a full rest day in between matches or to have to complete matches held overnight the following day and then play the next round later on in the same day⁷. If the tournament is really in danger of not being able to finish all the matches by the final day this is perfectly acceptable. Yet, if only the top players or the players with wide public appeal are being treated in this way because of the external goods the institution can gain from such scheduling then this seems to be an example of the way in which institutions of tennis can both support and undermine the flourishing of the practice of tennis. The institutions of tennis, in this case the AELTC, reap a number of external goods, in particular increased revenue, that can be, and often is, reinvested into the game⁸. However, treating one group of players in a different way to the other players in the draw in order to maximise those external goods is not fair on those players. A preliminary exploration of the unfair distribution of goods follows.

Inasmuch as it seems that money is the external good that institutions repeatedly get involved with in arranging "scandalous couplings between people and goods" (Walzer, 1983:95), or in this instance, between practices and goods, there is a

sense that this is what money is meant to do and thus has a worthwhile place in society. After all, there is nothing untoward about paying someone money in exchange for doing a job well done and nor is there anything untoward about investing money in a project that the investor has faith in that it will succeed⁹. The question is, when does the application of management "expertise" by the AELTC Order of Play Committee stop being simply a way of presenting and promoting tennis to spectators and television viewers and become instead a way of degrading them. Drawing on Walzer's thesis, Morgan (1994) argues that what is degrading about the way in which institutions finance practices and flaunt their power over the practitioners and practices is the social domination institutions grant external goods and bureaucratic power in contemporary society. Money and power are dominant goods when they are capable of commanding a broad array of other goods to which they have no intrinsic link. The illicit conversion of goods of this kind involves the invasion of one sphere of life and set of goods by an unconnected sphere of life and set of goods. In other words:

To convert one good into another, when there is no intrinsic connection between the two, is to invade the sphere ... (Walzer, 1983:19)

Thus, money and power are dominant goods partly because of the ease by which they can be converted into other goods which then enables them to intrude upon spheres of life with which they have no internal substantive relation. Following Walzer's (1983) account, then, what may become the eventual systematic scheduling of matches for seeded players and players with public appeal for a late start is not fair as it degrades the internal goods of tennis by subordinating them to the acquisition of external goods by the institution. Thus, while institutionally the AELTC is supporting the practice of tennis in terms of the potential increase in revenue from gate receipts and the sale of television rights, at the same time it is undermining the flourishing of the practice. This kind of scheduling does not seem to be in the best interests of the players or the game in terms of the way it can displace the internal goods of the game. We will return to the notion of interests later in the thesis since it is not clear if indeed a game can have interests

nor what would be a fair way to proceed when the interests of the players conflict with the interests of others who have an interest in how the game develops.

2.3.2 Simultaneous membership of a practice and an institution

Although MacIntyre (1985) acknowledges that institutions support the organisation, regulation and promotion of practices he places most emphasis on the corruptive powers of institutions and that the practice is always exposed to the acquisitive nature of the institution. It is to protect practices from such abuse that MacIntyre situates the virtues, such as justice, courage and truthfulness, in practices. He argues that each practice calls for a particular sort of relationship between the participants in the practice and the virtues are the goods that define our relations to the people with whom we share the kind of purposes and standards that inform practices. MacIntyre illustrates his point with an example of a professor who gives some students the grades they deserve in terms of the academic standards they have reached but grades another student higher because he is captivated by their blue eyes and grades another student lower because he is disgusted by their dandruff. Justice, for MacIntyre, demands that we treat others in respect of merit or desert in line with consistent and impersonal standards since to deviate from the standards of justice in a particular case defines our relations with the person as being in some way special or distinctive. For justice to be upheld, then, we must “search for principles internal to each distributive sphere” (Walzer, 1983:19) as this will ensure that certain external goods such as status and honour are distributed in terms of merit as judged by impersonal standards within practices. This will restrict the conduct of institutions and those who act on their behalf.

Yet, although MacIntyre's (1985) example illustrates the necessity of situating the virtue of justice in practices it also highlights a potential problem, as it seems as though the professor can be a member of both the practice and the institution. The professor, like the students, is able to achieve and share in the internal goods of the practice of education such as essay writing and debating skills. Yet, at the same time, the professor can behave as the institutions of education do in

distributing external goods since, in grading the students work the professor is rewarding some students with a particular academic status, an external good. It seems that the line between being a member of a practice and a member of an institution is blurred. This idea is explored in the context of sport below.

McNamee (1995) has questioned the clarity of the distinction between practices and institutions in the context of sport. Although MacIntyre's (1985) thesis suggests there is a clear distinction between practices which are coherent and complex forms of socially established co-operative activities and institutions which are the mechanisms through which external goods are distributed, McNamee argues that it is not always clear where sportspersons, coaches, officials, and so on, are to be located. We can illustrate his point in the context of elite male tennis. The rules of tennis are complicated enough to ensure that the game is a complex and cooperative activity, that the standards of excellence are demanding, and that the ends and goods involved are worthwhile. Thus, elite male tennis players are clearly part of the practice of tennis as they are responsible for defining the standards of excellences of the game in terms of the range of skills, tactics, conduct, and traditions characteristic of all that is good in the activity of elite male tennis. We noted above that each year the LTA receives the profits from the Wimbledon championships held at the AELTC and redistributes it throughout the "grass roots" level of the game in Britain in order to develop the game further¹⁰. The AELTC rewards elite tennis players who participate in the tournament with prize money, trophies, status and prestige. Clearly, the LTA and the AELTC are two institutions that are the mechanisms involved in the distribution of external goods. Yet, there are times when elite male tennis players seem to behave as institutions do. At the end of each year, for example, the players have the opportunity to vote for whomever they think is the player of the year, the most improved player of the year, newcomer of the year, and so on¹¹. Players vote through a bulletin distributed to them by the Association of Tennis Players¹². Lleyton Hewitt was voted the 2001 ATP Player of the Year by his fellow players. He received a Waterford Crystal trophy and a Mercedes-Benz mountain bike from the ATP to mark the award. Thus, the players are operating as institutions, distributing external rewards in the shape of a trophy, albeit via the

ATP, and bestowing public praise. It seems, then, that an elite male tennis player can simultaneously be a member of a practice and an institution.

2.3.3 *Heuristic device or accurate description*

The lack of clarity in the distinction between practices and institutions not only displays an ambiguity for McNamee (1995) it also raises questions for him about the empirical content of MacIntyre's (1985) thesis. In sports, when MacIntyre talks of the institution, we usually associate the notion unproblematically with names such as FIFA (Federation International Football Association), the IOC (International Olympic Committee) or the NBA (National Basketball Association). Analogous to these in terms of tennis are the ITF, the ATP, the LTA, the USTA, the AELTC, and so on. While it is easy in these instances to see how the distinction between practices and institutions operates, McNamee has suggested that further down the order it is not so clear, and this is one of the problems when heuristic devices are pushed into action in borderline cases. Thus, for McNamee, whether or not MacIntyre intended his distinction between practices and institutions to be understood in terms of a heuristic device or whether the distinction is meant to be an accurate description is not clear. We explore this idea further here since one way in which we can determine the extent to which MacIntyre's account illuminates "fair play" in elite male tennis is if his thesis can provide a fair decision-making method by which technical and technological innovations can be evaluated.

Morgan (1994) understands MacIntyre's (1985) distinction between practices and institutions in terms of a heuristic device in his critique of the role of sporting institutions in contemporary sport. The main focus of his critique is on the fact that institutions unavoidably function in the economic marketplace with a correspondingly market orientated vocabulary that is crude, inadequate and consequently harmful to the logic and goods of the practice. At the core of his critique is, following Walzer (1983), the idea that institutions have moved away from their function of nurturing practices and instead support the domination of external goods at the expense of the internal goods of practices.

2.3.3.1 *The institutionalisation of sport*

Morgan (1994) argues, first, that the late 1940's and 1950's is when the significantly harmful effects of the institutionalisation of sport can be clearly identified. This was, he argues, the era when sport became the object of mass consumption. Investors bought professional sport franchises for large sums of money, sports equipment companies paid large fees to advertisers and the media to promote their products, athletes began to capitalise financially on their talents supported by their own agents and accountants, and television networks provided the substantial capital needed to sustain the whole venture. Yet, as McNamee (1995) points out, it seems that sports, especially elite sports, have never existed without external goods. Sports in Ancient Greece and Rome, during the Middle Ages and the Renaissance, and since the inception of the modern Olympic Games in 1896, have all been involved in the awarding of external goods including status, prestige, trophies and money at one time or another (Mechikoff & Estes, 1993). Thus, although elite sports like elite male tennis are practices with their own internal goods, they are, and always have been, instrumental, as participants also seek goods external to their performance.

Money, or monetary payment in kind, has always been associated with elite tennis. The prize at the first Wimbledon Championships in 1877 was a silver challenge trophy worth twenty-five guineas that the winner was allowed to keep (Myers, 1972). There is also evidence from Belgium to suggest that a silver ball was often given as the prize for handball competitions, widely thought to be an earlier version of tennis or *jeu de paume*, as early as 1555 (Morgan, 1991). Moreover, the inaugural Wimbledon championships final may be the first case in modern times where the external goods of money and entertainment dictated that a tennis match was played that perhaps ought to have been cancelled or postponed because of dangerous playing conditions. Although heavy showers on the day of the final meant the court was "dead and slippery" the match was played so that the "crowd" of two hundred spectators who had paid one shilling each to watch would not be disappointed (Myers, 1972:13). The acquisition of the external

goods of money by the AELTC in terms of gate-receipts and entertainment for spectators were secured at the expense of some of the internal goods of the game. It is unlikely, for example, that the players would have been able to exhibit their usual speed around the court. Thus, institutional insistence that matches are played in poor conditions is not a modern day phenomenon.

2.3.3.2 Institutional corruption of sports

Secondly, Morgan (1994) places great emphasis on the way that modern institutions have corrupted the internal logic of practices in their bid to supplant them with their own institutional logic. McNamee (1995) argues, however, that he seems to be operating a kind of selective interpretation in the way that he focuses on the many instances of sporting institutional corruption whilst paying scant attention to the many cases where institutions have criticised players, coaches and spectators for their poor ethical standards. It is perhaps, however, not too unusual that most attention has been given to institutional corruption in sport since not only are there many cases in sport to refer to, including tennis, but also these are the cases that seem to receive most attention from the media¹³. In the past, for instance, much has been written by the media on systematic institutionally managed drug use by athletes in Eastern bloc countries¹⁴ and more recently on football transfer “bungs”¹⁵ and match fixing in cricket¹⁶. In tennis, the media have tended to focus on the negative effects of commercialisation such as the inadequate or consistent implementation of the Player Code of Conduct¹⁷. There is a suggestion, for instance, that when players behave badly on court, “crowd pleasers” such as Andre Agassi and Goran Ivanisevic are treated more favourably than lower ranked players or players with less popular appeal (Ace, 1999). The top players are the players that attract the crowds, sponsors, television and advertisers so tournament organisers may be reluctant to disqualify those players however badly they behave.

Yet, if we look more closely, sports institutions have also made positive contributions to their sports. In tennis, for instance, although sometimes the Player Code of Conduct has not been enforced as it should be, at least a player

code of conduct exists. There is some empirical evidence to suggest that tennis spectators perceive there has been a marked improvement in the standard of player behaviour in elite tennis over the last ten years¹⁸ (McNamee, 2002). It may be that the existence of the Player Code of Conduct has contributed to this perceived improvement although further research is needed in order to support this interpretation of the data. The ITF behaved responsibly in establishing the Player Code of Conduct in the 1970's in response to the rapid decline in on court behaviour at that time in terms of bad language, racket throwing, and so on. Moreover, the ITF has also liaised successfully with tournament organisers in order to ban some parents of players from tournament venues because of their poor behaviour. Jelena Dokic's and Mary Pierce's fathers are the most high profile examples in recent years, both having been ejected and banned from the grounds of tournaments for abusive behaviour towards spectators, players, officials and even their own daughters (Bliss, 2001).

2.3.3.3 Empirical implications

Although Morgan (1994) interprets MacIntyre's (1985) account as a heuristic device MacIntyre fails to explain clearly whether he intends his distinction between a practice and its institution to be interpreted as an accurate description of modern ethical life or as a heuristic philosophical device. MacIntyre complements his conceptual account of the virtues with a kind of sociology that attempts to uncover the empirical, causal link between virtues, practices and institutions. The strong empirical link lies in his claim that his conceptual account of the virtues supplies an explanatory scheme that can be tested in specific cases. He also claims that his account of the virtues is empirical in content since without the virtues only external goods could be recognised, not internal goods in the context of practices. It follows, for MacIntyre, that any society that recognised only external goods would be dominated by competitiveness.

MacIntyre (1985) refers to Turnbull's (1973) observations of the fate of the Ik tribe to support his claim. The Ik tribe lost their traditional hunting and gathering grounds after political frontiers were redrawn. Accordingly, they are starving,

without hope, and their consequently brutal behaviour toward each other illustrates the almost complete disintegration of their traditional culture. Competitiveness dominates. Altruism is negligible. According to Turnbull, this is confirmation that society is a luxury that can be dispensed with as the Ik tribe are managing without it. Yet, as McNamee (1995) points out, not only is it difficult to describe the dreadful circumstances of the Ik tribe in terms of a "society", it is also difficult to understand the sense in which the Ik tribe might "recognise" external goods for they can hardly choose (recognise) options (goods) which are not offered. Thus, following McNamee, unless it is clear whether the distinction between a practice and its institutions is to be interpreted as an accurate description of modern ethical life or as a heuristic philosophical device, MacIntyre remains vulnerable to the accusation that he has been selective in gathering together only those social facts that show his thesis in a favourable light. McNamee points out the empirical implications of this. In order to evaluate the role of sports institutions and practices and their relations to each other it is necessary first to have a clear and full description of the nature of the institutions and practices to be evaluated. This approach is necessary in order to resolve the two main problems for any institution that endeavours to preserve a practice and its tradition:

What criteria are chosen to justify changes that will benefit the practice while at the same time preserving its integrity, and who will decide them? (McNamee, 1995:69)

Thus, in order to evaluate technical and technological innovations we need a decision-making method that is fair. To facilitate this we need to be able to describe thoroughly the nature of the institutions of elite male tennis, the game of tennis itself, and the relations between those institutions, the practice and the practitioners. Our exploration, albeit brief, of the relations between the practice of elite male tennis and institutions of tennis, however, has illustrated that although MacIntyre's (1985) account is a useful heuristic device it fails to provide an accurate description of ethical life. Thus, his account is limited in the extent to which it can instantiate "fair play" in elite male tennis since it does not provide a

decision-making method by which we can evaluate technical or technological innovations.

Thus far, little reference has been made to the virtues. Yet, following MacIntyre's (1985) account, the virtues have an important role to play in terms of preserving the integrity of elite male tennis. Thus, the way in which MacIntyre utilises his three-tiered account of the virtues in relation to practices, the narrative unity of a human life and authority of tradition is significant in terms of evaluating whether elite male tennis is fair. The following section explores some of the issues pertaining to the nature, range, and functions of the virtues.

2.4 The nature, range, and functions of the virtues

2.4.1 *A kind of conservatism*

MacIntyre's (1985) concept of a practice provides a rich context for thinking about many different sports. Moreover, the rich and inclusive nature of the concept is capable of being applied widely beyond sports to the arts, sciences and politics. Consequently, it enables us to look at sports as just one among many sorts of practices and as sharing in their broad outlines. His definition of a virtue connects the possession and exercise of the virtues to participation in practices. Although this permits a broad range of things to count as practices, participation in any practice will necessarily have a certain character. He states that one of the requirements of participation in the practice is the acceptance of the authority of the standards and patterns of behaviour currently operating in the practice. Thus, in terms of tennis, a player must start by accepting correction from those more competent in the game and looking upon specific games and specific players as exemplars of tennis excellence. It is only in this way that the player can achieve a version of excellence in his or her own play relative to his or her physical and mental capabilities and thus achieve the internal goods of tennis. In other words, internal goods allow for different levels of attainment, different standards of excellence. In effect, elite male tennis players must subject their personal preferences, tastes and attitudes, to the shared standards and authorities that

currently define the practice in order to achieve the internal goods of the game whatever their particular standard of excellence happens to be.

It is this characteristic of concept of a practice that is often referred to in order to demonstrate that MacIntyre (1985) is committed to a kind of conservatism, to the view that criticism of the *status quo* within a particular practice is not possible (Mulhall & Swift, 1992). Yet, MacIntyre would argue that this misinterprets his view, for although entry into a practice requires the individual to subject their personal preferences to the standards currently prevailing in the practice it does not mean that the individual must not question the judgements made by the community of other practitioners. MacIntyre acknowledges that judgements will often be disputed but argues that the disputes will be subject to the following constraints. Judgements can only be justified by referring them to the standards and patterns of behaviour that regulate and partly constitute the practice. This will ensure that the debate between two parties is rational as the process of grounding and disputing different judgements is governed by shared beliefs. The same applies to practitioners who try to change the direction of a practice. Although criticism may be radical it must still refer to at least one of the paradigms and standards of the practice since the standards of the practice, as well as the players and games considered to be the exemplars of the practice, are the framework that constitute the practice. Completely rejecting the framework would result in the demise of the practice rather than a change in its direction. Agreeing upon the way to argue and the idea of shared beliefs allow an objectivity and impersonality of judgement to be achieved that surpasses simply personal preferences.

Yet, despite MacIntyre's (1985) explanation, this approach to evaluating technical and technological innovations in elite male tennis remains problematic since it seems that the only resources available to criticise the practice of elite male tennis are those that can be gleaned from within the practice itself. In other words, the rational standards of acceptability of the practice seem to be locked within the practice. Thus, if we can only determine the extent to which fairness is instantiated in elite male tennis by drawing on the standards that currently define

the practice, the extent to which we can be critical of the practice will be severely limited. If, for example, we cannot look beyond the practice of elite male tennis to what other practitioners in other practices and cultures consider as fair, then some technical and technological possibilities, perhaps radical possibilities, may not even be considered. Morgan (1994:188) believes his method of "immanent critique" overcomes this particular problem. Like MacIntyre, he too relies on the normative standards within a practice to provide the basis for a critical evaluation of the practice. Yet, he acknowledges the criticism that resting critique on the local social arrangements and traditions of sporting practices seems only to endorse the *status quo* by distinguishing between "vulgar ethnocentrism" and "reflective ethnocentrism" (Morgan, 1994:190).

Briefly, "vulgar ethnocentrists" simply choose rational standards of acceptability from the conventions that currently prevail in a culture that are internalised as its "dominant beliefs" (Morgan, 1994:190). "Reflective ethnocentrists", on the other hand, refer to deeply entrenched critical norms of a culture, such as the current belief in equality and fairness, that form a bank of beliefs that can be drawn on to criticise the beliefs that currently dominate a culture. The "immanent critic" carries out a process of critical interpretation that involves carefully trawling through beliefs in a culture, whether they are texts or historical precedents, in search of normative standards that are supported by "better rather than worse reasons" (Morgan, 1994:190). The beliefs that "survive" this "reflective scrutiny" are the rational standards of acceptability of a practice (Morgan, 1998:83). This is only a very rudimentary outline of Morgan's distinction between "vulgar" and "reflective ethnocentrism" yet it does seem to have the potential to build on MacIntyre's (1985) concept of a social practice. Thus, we will return to explore his thesis later, particularly the debate that has opened up between Morgan (1998) and Roberts (1998:73) regarding the difference between "principled convictions" and "dominant beliefs", and whether "rational" can mean anything more than merely "internal coherence" (Roberts, 1998:77).

2.4.2 *The multiplicity of practices*

That there can be many and diverse practices and therefore an extensive range of internal goods and virtues indicates a healthy pluralism in MacIntyre's (1985) conception of what is of value in a good life. Yet, according to Mulhall and Swift (1992), a person's allegiance to different practices may be harmful to the virtues. They explain that even if it is agreed that questions concerning value and worth can be resolved in non-arbitrary ways within particular practices there still remains a concern about the value and worth of practices themselves. As there are so many practices it is likely that a person will participate in several practices at the same time and therefore the demands they make upon the person are bound to clash. We can illustrate their point in the context of elite male tennis. Suppose an elite male tennis player writes regularly a column about current issues in tennis in a widely read newspaper. He may want the readers to be informed of his views on how the problem of the dominance of power-serving ought to be resolved from the perspective of his membership in the practice of elite male tennis. More so, if public opinion, that is the views of tennis fans, are going to be taken into account when deciding which technical or technological innovations are to be implemented. Yet, the editor of the newspaper will require that he present all sides of the arguments and issues in order that the demands of neutral or unbiased (as neutral or unbiased as is possible) journalism are met. Clearly, the demands of his membership in the practice of elite male tennis will clash with the demands of his membership in the practice of journalism. Yet, as Mulhall and Swift point out, there is not one single practice that can serve as an overarching framework within which the question of which demands should take priority can be rationally or objectively answered.

2.4.3 *Conflicting virtues and conflicting goods*

Another criticism relates to MacIntyre's (1985) claim that:

In the realm of practices the authority of both goods and standards operates in such a way as to rule out all subjectivist and emotivist analyses of judgment. (MacIntyre, 1985:190)

Feldman (1986) disputes this claim, arguing that within a single practice different virtues and different goods can clash. She argues that virtues and goods must be interpreted and weighted in order to make judgements but the practice itself does not provide the criteria for interpretation and weighting. In effect, she is arguing that MacIntyre's (1985) account of the virtues fails to provide a way of transcending relativism in order to provide objective reference points for moral debate. We illustrate the point she is trying to make below in the context of elite male tennis since her claim that both virtues and internal goods can conflict are significant in terms of the evaluation of technical and technological innovations in elite male tennis.

Suppose there is a discussion within a group of elite male tennis players about how they might resolve the problem of the dominance of power-serving in elite male tennis. If competitiveness is a virtue of playing tennis and some of the players are particularly competitive, then, according to Feldman (1986), it would seem likely that those players will vote in favour of a technical or technological innovation they believe will be most advantageous to them, that will help them win matches. Thus, if their playing style is dominated by power-serving then they will probably vote in favour of maintaining the *status quo*. In contrast, if patience is a virtue of playing tennis and some players are more patient than competitive, then they are likely to vote in favour of a technical or technological innovation that favours a patient style of play, one dominated by extended base-line rallies. They may vote in favour of a "one serve only" change to the rules. According to Feldman's account, then, different virtues can lead to different judgements and to think otherwise is to assume that one tennis related virtue is more significant than another.

The other way in which Feldman (1986) claims there can be significant clashes is between different internal goods and standards within practices. Winning is an internal good¹⁹ of tennis and so is the development of greater athletic technique.

We include in the notion of athletic technique a combination of the physical, mental and technical skills particular to tennis that are themselves internal goods of the game. Thus, for physical skills we include, for example, explosive speed around the court, strength to hit the ball hard, and stamina for long matches. Mental skills broadly include how the player copes psychologically when matches are close, when there are incorrect line calls, when there are difficult playing conditions such as high winds or high temperatures, and so on. The technical skills of tennis relate to how the player hits the serve, volley, groundstrokes, smash, drop shots, lobs, and so on. According to Feldman, the internal goods of winning and athletic technique are not always in harmony with each other since winning is often ranked more highly than the achievement of skill and athletic ability. Her claim is not difficult to believe since sports are littered with examples of winning being regarded very highly. This is epitomised by a quote often attributed to Vince Lombardi an American Football coach, who it is claimed said: "Winning is not everything, it's the only thing". Moreover, it is not a modern phenomenon. In *The Odyssey*, Homer asks: "Come on, no hanging back, no more delay ... who's the winner?" (1979, quoted in Green & Atyeo, 1979:16).

What, then, if an elite male tennis player is involved in the evaluation of technical and technological innovations in order to resolve the problem of the dominance of power-serving in the game. It seems possible that, following Feldman (1986), if the player is more interested in winning rather than the development of greater athletic technique then the innovation he votes in favour of may jeopardise the possibility of achieving greater athletic technique. If, for example, he plays and wins most of his tennis on European clay courts he probably has a more stamina based, patient, base-line style of play and would therefore be more likely to vote in favour of a "one serve only" change to the rules. What is problematic is that if the consensus reached by those involved in the decision-making process is that winning is more important than athletic technique this may result in there being less need to develop certain technical skills such as volleying or lobbing as players would be likely to make fewer forays into the net. Yet, if there is a scarcity of certain key internal goods of the game, and being able to execute a full range of technical skills is one of them, then this may be detrimental to the flourishing of

the practice of elite male tennis. It would seem that at least attempting to ensure that a full complement of internal goods are experienced by the players will go some way to ensuring that a good game is played. If good games are not played then the sport may eventually wither and die. Spectators, television viewers, and players themselves, may turn their attention to other sports. If tennis is dominated by one particular style such as power-serving, this may eventually lead to a decrease in spectator attendance at tournaments and low television viewing figures. This, in turn, may lead to sponsors redirecting their investments into other sports. If there is less televised tennis and fewer tournaments to attend because of the lack of financial support this may lead to fewer people taking up the game.

If we are to follow Feldman's (1986) account, then, conflicting virtues and conflicting internal goods within elite male tennis are likely to result in irreducible conflicts in the evaluation of technical and technological innovations in elite male tennis. According to her account the practice of elite male tennis is unable to supply the means to evaluate innovations in a rational way since the practice of elite male tennis itself is the source of the evaluation. According to Feldman, then, practices are unable to supply a framework for an objective account of the criteria for both the virtues and objective standards for evaluations and moral judgements. Yet, MacIntyre (1988) does not claim that practices can supply the means to be objective in isolation. Rather, in order to justify a practice we must situate it within a historical context or a tradition that it belongs to and then show how the practice can provide a solution to problems that emerge in the course of that history or tradition. This is a tradition of rational enquiry, "an argument extended through time in which certain fundamental agreements are defined and redefined" (MacIntyre, 1988:12). In other words, it is by considering past technical and technological innovations in elite male tennis that we will be able to justify any current proposals to change the game. We explore MacIntyre's claim below.

2.4.4 *Traditions and relativism*

We consider here MacIntyre's (1985) concept of a tradition since it is this that he draws on in order to support his claim that decisions based on the goods and standards within practices are objective. MacIntyre argues that membership in a tradition provides individuals with the resources to make rational decisions. Feldman (1986), however, claims that this concept, like his concept of a practice, also suffers from relativism. According to MacIntyre, in order to understand what constitutes the good life we must understand the tradition in which it is lived. By tradition, he means the social structures of the communities in which people live and the terms by which they define themselves:

... it is not just that different individuals live in different social circumstances; it is also that we all approach our own circumstances as bearers of a particular social identity. I am someone's son or daughter, someone else's cousin or uncle: I am a citizen of this or that city, a member of this or that guild or profession; I belong to this clan, that tribe, this nation. Hence what is good for me has to be the good for one who inhabits these roles. As such, I inherit the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point. This is in part what gives my life my own moral particularity. (MacIntyre, 1985:220)

Feldman (1986) argues that this suggests there is no conflict between the different roles into which we are born. She claims that whilst MacIntyre (1985) acknowledges diversity he seems to be suggesting that people must choose one tradition in which to live and this simply does not reflect the real world. For many people the traditions of their family are very different from the traditions of the country they live in, the communities they live in, and their professions. The problem, as Feldman sees it, is that if a person participates in a number of traditions at the same time then an understanding of his or her actions must simultaneously consider these contrasting traditions and this is confusing rather than illuminating. We can illustrate her point in the context of technical and technological decision-making in elite male tennis.

Suppose a “journeyman” elite male tennis player has the opportunity to vote on whether the rules of the game ought to be changed to “one serve only” in order to resolve the problem of the dominance of power-serving in the game. He earns barely enough money to pay for his travel expenses and for his wife and children to live on yet he would not do anything else. He loves the game, the way he plays it, its traditions and rituals, and so on. He is a slightly built player and shorter than most other players. Thus, his game has evolved into one defined by touch and feel shots in an attempt to overcome the power-serving and heavy groundstrokes of other players with whom he cannot compete on an even footing. It would seem as though these would be good grounds for voting in favour of the “one serve only” innovation. Yet, he decides to vote against the proposal since he believes that having two attempts at serving is part and parcel of the game of tennis and we ought not to tinker with that aspect of the game. He knows that the rule that players can have two chances on the serve has been around for over a century²⁰ and he believes this kind of stability and continuity in the rules of the game is an admirable quality. It contributes to what he believes constitutes a good game of tennis.

His action could be seen as being a commendable loyalty to the traditions of the game. Yet, at the same time, we could also say that he is being disloyal to his family. If the rules changed to “one serve only” it might result in him winning more matches since “one serve only” may result in players not hitting such hard first serves. They may tone down the pace of their serve in order to make sure the ball gets into play rather than serving a doublefault, or rather, “singlefault”, if they miss their one and only serve. A change in the rules that nullifies power-serving may provide him with more opportunities to win more matches with his style of play. Winning more matches will result in an increase in his income. His ranking will rise which may result in better sponsorship deals that will also result in a higher income. Yet, voting against the “one serve only” proposal may ensure that he and his family continue to be less financially secure than if he voted in favour of changing the rule. The caring, nurturing and providing qualities that he believes constitutes what it is to be a good father will be put to one side. Following Feldman, what this example illustrates is that the good life viewed

merely from within the traditions of an elite male tennis player might be unintelligible in the traditions of the family.

According to Feldman (1986), then, since people participate in more than one tradition at a time and sometimes those traditions conflict, then rational moral discussion cannot be grounded in tradition. According to MacIntyre (1985), however, although particular views may dominate individual decisions taken by a person this does not mean that a single tradition has been chosen by a person to dominate their whole life. Rather, the point is, for MacIntyre, that we select the relevant tradition. The problem then is how we are to determine what the relevant tradition is. As Feldman points out, given that contemporary society contains multiple traditions we can only consider a decision to stay in one tradition or leave it for another as rational if there is a way of evaluating one tradition against another. Yet, as Mulhall and Swift (1992) point out, if the only available conceptual resources for evaluation are tradition-specific we seem to be limited to only two options. We can rely upon one of those tradition-specific conceptions and beg the question against other traditions or simply make an arbitrary choice between traditions since we have no rational criteria to guide us.

This analysis, brief as it is, has implications for comparing technical and technological innovations in elite male tennis. Following MacIntyre's (1985) account, those involved in deciding which technical and technological innovations ought to be implemented need to know which tradition ought to guide their decisions. Yet, it is apparent that there can be many traditions within tennis. The style of play that seems to have dominated elite male tennis in the last ten to fifteen years or so is a game of power-serving and big hitting groundstrokes. Yet, there are other traditions, other styles of play. Clay court specialists play a very tactical game, moving their opponents around the court and eventually out of position with their heavy, deep court groundstrokes. Some players have a game more suited to grass court play, attacking the net at every opportunity, mixing up their groundstrokes with slice, top spin and drop shots in order to rush their opponents into making mistakes.

One way of resolving the difficulty of justifying one tradition over another may be to approach the problem from the perspective of Rawls's (1996) liberal theory of justice. His aim is to free people from the "contingency and particularity of tradition" (MacIntyre, 1988:335) by establishing a set of rationally justifiable universal, tradition-independent principles or norms of justice. Rawls argues that, since we live in a pluralistic society where there are many different conceptions of the good, what we need is a political, legal and economic framework that enables people with different heritages and conceptions of the good to live together according to a shared set of rationally justifiable principles of justice. The state becomes simply a neutral referee of different way of life. It may be possible that we can conceive of the ITF, one of the major tennis institutions of tennis and responsible for upholding the rules of the game, as acting as a neutral referee of the different ways of playing the game. This idea will be returned to later in the thesis.

2.5 Conclusion

In this chapter we have explored the extent to which MacIntyre's (1985) virtue-based, practice-institution-tradition model instantiates "fair play" in elite male tennis. We developed a normative account of "fair play" from MacIntyre's neo-Aristotelian position that does, to a certain extent, illuminate fairness in contemporary elite male tennis. His account emphasises the importance of internal goods, practices and traditions, and that decisions ought to be made by those who have relevant experience or knowledge of the practice of elite male tennis. His thesis appears to be lacking, however, to the extent that it does not provide a decision-making method by which we can evaluate technical and technological innovations. Such a method cannot be given by an Aristotelian as decision-making is left in the hands of the wise person who judges each situation wisely. Moreover, his thesis is an inherently conservative account since it relies on practices and their traditions for justification. Thus, in order to determine the extent to which the notion of "fair play" is instantiated in elite male tennis we explore critically in the following chapter some of the main philosophical

treatments of "fair play" in order to formulate and present a preferred conception of "fair play" which is situated within normative authority in elite male tennis.

¹ From time to time, however, players have served under-arm in the modern game although this is usually if they are injured, perhaps experiencing cramp. There are also times when the occasional under-arm serve could be understood in terms of a tactic, the lack of pace and depth taking the opponent by surprise and unsettling their rhythm. Michael Chang used it successfully at the beginning of the final set of his win over the top seed Ivan Lendl in the 4th round of the 1989 French Open. Seeded 15th he went on to win the tournament and became the youngest winner of a Grand Slam men's singles title at 17 years and 3 months. One of the most well known cases in recent years of the tactic backfiring was during the 1999 French Open final between Martina Hingis and Steffi Graf. Hingis, the favourite to win the tournament, narrowly lost the second set. In the final set she hit an under-arm serve. The crowd showed their disapproval of her ploy by booing her and giving all their support to Graf. Graf went on to win the match and Hingis was booed further as she left the court.

² Formerly the International Lawn Tennis Federation (ILTF).

³ Competitiveness can also be a vice, as can the behaviours usually called virtues. This is explained by Aristotle's (1976, *Nicomachean Ethics* Book II, quoted in Thomson, 1976:103) "doctrine of the mean". There he explains that we look for the mean relative to our particular situation. For instance, courage is the mean between rashness and cowardice. "Too much" courage results in rashness and "too little" results in cowardice. These are not virtues then. Rather, a virtue is the mean between two vices of excess and deficiency.

⁴ To "tank" a match is to attempt to hit unrealistic winners without any real thought being given to winning the point in order to lose the match because the player does not want to proceed in the tournament.

⁵ Hereafter called the AELTC.

⁶ A "wild card" is a place in the draw given to a player who has not gained automatic entry to a tournament by right. That is, their world ranking, in the case of the Wimbledon championships, is outside the top 128 in the world. They may, for example, have once had a high ranking but are returning to the circuit after injury or having taken a prolonged break from the game. Any player ranked outside the cut off point for automatic entry may ask the tournament organisers for a "wild card" into the draw. There are a limited number of "wild card" places available in the Wimbledon draw and whether or not a player is offered one seems to depend on their crowd appeal or whether they are a "homegrown" player. In 2001, for example, the men's singles event gave out eight "wild cards", six of which were to British players who have never been ranked in the top 128 in the world, and one of which was to Goran Ivanisevic a losing finalist on two previous occasions and a popular player with the spectators. For a complete listing of the wildcards in the men's and ladies singles and doubles events in 2001 see AELTC (2001a).

⁷ The 1997 Wimbledon championships was one of the wettest recorded. There was no play at all on two consecutive days because of heavy rain, something that had not happened since 1909. To clear the backlog of matches when play resumed, many players did not benefit from a full day of rest between finishing one and starting another or had to finish off a match that had been carried over from the day before and then play another match on the same day. (Bliss & Haylett, 1997)

⁸ Although the AELTC is a private members club, each year they hand over all of the profits from the Wimbledon championships to the Lawn Tennis Association, hereafter called the LTA. The aim of the LTA, the governing body of tennis in Britain, is to redistribute the monies throughout all levels of the game in Britain in order to increase participation rates and improve the standard of play. A record profit of £32.05m was handed over to the LTA in 2001 (BBC Sport, 2001a).

⁹ Nevertheless, we must tread cautiously here since much depends on the job in hand. It could be argued, for example, that a "hit-man" who successfully eliminates someone has done his job well.

We owe this point and example to Keith Thompson.

¹⁰ The LTA's starter-level project benefited from £750,000 after the 2001 Wimbledon championships. A further £1m was allocated to the City Tennis Club project to promote tennis in Britain's inner cities. (BBC Sport, 2001a)

¹¹ For details of all the 2001 awards see ATP (2002a).

¹² The men's professional tennis players' association, hereafter called the ATP.

¹³ See BBC Sport (2001b), for examples of corruption in cricket, the Paralympics, athletics, horseracing, snooker, and football.

¹⁴ See chapter 7, pp102-125, of Riordan's (1991) criticism of the role of the state in communist countries.

¹⁵ The Football Association's investigation into football transfer irregularities was prompted by the Arsenal manager George Graham's acceptance of cash gifts which became known as the "bung" scandal (Hamil, 1999:36).

¹⁶ For an overview of match fixing cases in cricket see BBC Sport (2002).

¹⁷ For a full account of the Player Code of Conduct see pp65-85 of The 2002 ATP Official Rulebook (ATP, 2002b).

¹⁸ 45% of tennis spectators surveyed thought the conduct of professional tennis players had improved over the last ten years, 38% though it had stayed the same, and 14% thought it had declined (McNamee, 2002).

¹⁹ According to MacIntyre (1985), winning is an external good. We follow Brown's (1990) argument, however, that winning can also be an internal good since although it cuts across different sporting practices it is also internal to particular sports. Winning at badminton, he explains, is not the same as winning a marathon, and nor is it the same as being part of a winning football team. Nor is it winning at all costs.

²⁰ The rule on serving that allows one fault without penalty, whether the serve has dropped in the net, in the wrong court, or beyond the service line, has remained unchanged since the AELTC codified the rules of the game in 1877 before the inaugural Wimbledon championships that same year (Walker, 1989).

Chapter 3

Conceptualising “fair play”

3.1 Introduction

The lack of consensus over the exact meaning of the term “fair play” continues to be a contentious issue as is reflected in the wide range of conceptions offered in the philosophical literature. Our aim in this chapter is to review critically the literature on various conceptions of “fair play” and their respective homes in mainstream ethical theory in order to formulate and present a preferred conception of “fair play” which is situated within normative authority in elite male tennis. The structure of the chapter is as follows.

We begin by setting the scene for a critical exploration of some of the main philosophical treatments of “fair play” by describing briefly the historical background of “fair play” and tennis. This is followed by a discussion of “fair play” as formalism, “fair play” understood in terms of virtue theories, “fair play” as play, “fair play” as “respect” including “respect for the game”, “fair play” as a contract or agreement, and “fair play” as a system of rational norms. We argue that all these accounts are lacking since they fail, in varying degrees, to consider the ethos of games. We also argue that in order to ensure the ethos has normative force we need to develop a method that systematically and critically views the ethos to which it is suggested we adhere to in order to justify that particular ethos or interpretation of the game. We conclude by suggesting that we consider three theses that might fill this lacunae and from which a rational decision-making method to evaluate technical and technological innovations in elite male tennis could be developed. We begin, then, with the historical background of “fair play” and tennis.

3.2 Historical background of “fair play” and tennis

The historical background of “fair play” has its origins, in part, in the culture of social elites. There have been a variety of conceptions of “fair play” throughout the history of sports according to the time and the place. Gardiner (1955) traces

a conception of “fair play” back to the Olympic Games in Ancient Greece where the emphasis was on honourable and just behaviour in front of the Gods through obedience to the rules of the Games. Guttmann (1986) and Liponski (1988) explore the moral standards of medieval chivalry in jousts and tournaments in the Middle Ages as a precursor to contemporary “fair play”. Possibly one of the earliest recorded examples relating to “fair play” in tennis is in medieval times. There were often disputes between players over the “chase” rule¹ (Gillmeister, 1997:39). Teams argued over every inch of the chase, their conflicting views on its length often led to a trading of verbal insults or even physical blows. Many expositions of the term “fair play” are linked to the growth of sport in 19th century British public schools and universities, and the “muscular christianity” movement (McIntosh, 1979; Mangan, 1981; Holt, 1989). Sport was considered to be a form of moral education. Young men were educated to be physically and mentally strong and to be loyal to their school and sports team. “Fair play” was equated with “gentlemanly conduct” since it meant not only to follow the rules but to do so in a dignified, decent and honest way. Baron Pierre de Coubertin, a member of the French aristocracy, looked favourably on the British public school system that seemed to be able to develop character through athletic participation. He eventually founded the modern Olympics in 1896 based on the ideals of amateurism, “fair play” and good competition. The Olympic Creed, attributed to Pierre de Coubertin, states:

The important thing in the Olympic Games is not to win but to take part, just as the most important thing in life is not the triumph but the struggle. The essential thing is not to have conquered but to have fought well. (British Olympic Association, 2002)

Thus, “fair play” seems to have its origins in a tradition connected to socio-economic circumstances that allowed non-instrumental and exclusive ideals to develop. Walker (1989) provides one interpretation of the origins of modern tennis and we rehearse her account here². Our aim is to demonstrate simply that the origins of modern tennis are also commonly understood to derive from a tradition of non-instrumental and exclusive ideals of social elites. It is generally understood that the game of Lawn Tennis was imported to England from France

when Prince Charles d'Orléans, the grandson of Charles VI of France, was captured at the battle of Agincourt. He is said to have taught the game to his gaoler's family. Henry VIII is supposed to have played the game at Hampton Court Palace and Queen Elizabeth I is said to have watched a game played by the servants of the Earl of Hertford. What is now called Real or Royal Tennis was often played in Europe through the 15th and 16th centuries. One of the most popular versions of the game around that time was the French version, *jeu de paume*. At the close of the 16th century Paris had 1,800 courts for a population of 250,000 including its King, Louis X (Walker, 1989).

Walker (1989) explains how modern tennis has its origins in 19th century middle and upper class England. Major Wingfield JP, a retired army Colonel, is commonly credited with popularising the game that is played today. He published a book of rules in 1873 and patented a portable court the following year. He recommended the game be played on grass courts on frosty days when the best of the shooting was finished and the ground too hard to hunt. By the end of the 19th century the game had become popular in the United States, Brazil and India, Germany, France and Australia. In England, the game of Lawn Tennis was advertised in society magazines such as *Vanity Fair*. This helped to raise the status of the game such that the game became almost an essential amusement to be offered by the hosts of weekend house parties:

The scene should be laid on a well-kept garden lawn. There should be a bright warm sun overhead ... Near at hand, under the cool shadow of a tree, there should be strawberries and cream, iced claret mug, and a few spectators who do not want to play but are lovers of the game ... If all these conditions are present, an afternoon spent at lawn tennis is a highly Christian and beneficent pastime. (Osborn, 1881, quoted in Walker, 1989:245)

The codification of the rules and the creation of the AELTC Wimbledon championships in 1877 provided the momentum that helped the game to become more popular. Nevertheless, it is inevitable that any history of tennis will focus on middle class participation in the game. Walker (1989) points out that the price of equipment and the need for a court reinforced the exclusive nature of the game and also ensured that it remained synonymous with class privilege.

Despite the many coaching and development initiatives since the Second World War designed to make the game more inclusive, its early exclusivity continues to be preserved by some of the older tennis clubs. London's Queen's Club and the Vanderbilt Indoor Racquet Club, for example, are frequented by royalty, the rich and famous, and have lengthy waiting lists for membership.

Walker (1989) explains how the professionalisation of tennis really took hold after the Second World War. Until then the ethos of the sport had been fundamentally amateur. The best players were invited to play in tournaments, receiving only their expenses. Yet, although there had always been patrons and players who were independently wealthy, the increasing demands of the game, the cost of travel, and opportunities to make a profit, inevitably led to the professionalisation of the game. During the post-war period more and more players became professional. There were tournaments for amateurs and tournaments for professionals. By the late 1960's public interest in the game was high due, in part, to more matches being televised (and in colour), and the influx of players from Communist countries participating in Western tournaments. Leading the campaign for "open" tennis was the LTA who were supported by public opinion. They were successful, and the distinction between amateurs and professionals was removed. The 1968 AELTC Wimbledon championships became the first major tournament that was open to amateurs and professionals alike.

Although the historical background of modern tennis has its origins in a tradition of non-instrumental and exclusive ideals of social elites, at the elite level of the game today a radical "professionalism" appears to be the dominant characteristic of tennis. Certain, arguably unethical, practices relate to the structural and administrative aspects of the sport including: the negative effect that some technical and technological innovations have on the game; the negative effects of commercialisation such as appearance fees; the inadequacy of codes of conduct; the ambiguity of the rules, and; the partiality and inadequate professional standards of officials. Other, arguably unethical, practices are carried out by the players themselves including gamesmanship such as slow play and challenging calls, and "unprofessional" behaviour such as the verbal abuse of officials,

grunting and spitting. The proliferation of these examples seems to point to a moral crisis in elite tennis that is at odds with the widespread, though perhaps anachronistic belief, that sport and "fair play" are inextricably linked:

Fair play is one of the fundamental questions concerning the future of sport and contains the quest for ethical principles. (International Committee for Fair Play³, 1992, quoted in Wigmore & Tuxill, 1995:67).

Yet, the lack of consensus over the exact meaning of the term "fair play" continues to be a contentious issue as is reflected in the wide range of conceptions offered in the philosophical literature⁴.

To conclude, this brief look at the historical development of "fair play" and tennis raises a number of questions concerning the concept of "fair play" including: what does it mean?; why is it of value?; what ethical principles, if any, is it grounded upon?; what kind of good does it involve?; is it a normative ideal?; ought we to accept it?, and; is it achievable? We explore critically these issues below in our review of the literature on various conceptions of "fair play" and their respective homes in mainstream ethical theory in order to formulate a preferred conception of "fair play" which is situated within normative authority in elite male tennis.

3.3 "Fair play" as formalism

"Fair play" in sports is perhaps most widely understood in terms of the theory of game formalism. This theory suggests that a game is only a game if it is played in accordance with the formal rules of that particular game. What it means to participate in a game, what counts as a valid game, what qualifies as a genuine act in a game, and what it is to win a game is to play the game according to the rules of that game. D'Agostino (1981) describes the game formalism position he opposes thus:

... no activity is an instance of some particular game G if any rule of G is violated during that activity. (D'Agostino, 1981:44)

Those who advocate game formalism, including Pearson (1973), Delattre (1975), Suits (1978), and Reddiford (1985), however, are vulnerable to a number of charges. Formalism contends that it is impossible for a player to win the game if he or she cheats. In other words, it is logically impossible to win a game if the player does not adhere to the formal rules of the game. Yet, D'Agostino (1981) argues it is nonsense to claim that a player is not playing the game if he or she violates a formal rule. It goes against our common sense understanding of sport insofar as rule infringements seem to be an inevitable part of most competitive sport. Instead, he argues that the player who cheats is no longer playing fairly rather than not playing the game at all. D'Agostino argues that it is the failure by formalists to deal with ambiguous rules that results in difficulties regarding understanding rule infringements and penalties. The distinction between acceptable and unacceptable rule infringements in real sports contexts are disregarded by formalists. For instance, the outcome of sports competitions are often referred to as being a fair result even if there were rule infringements in the game so long as the rule infringements do not seem to have a significant influence on the overall result.

D'Agostino's (1981) second objection is related to the first. He argues that formalism is vulnerable to the charge of idealism since games become ideal types that are never or very rarely realised in practice. In order for formalism to make sense we have to take it as read that there are clear-cut and unambiguous rules that do not need to be interpreted in practice. Yet, it is clear that in most sports this is not always the case. Consider, for example, Rule 21 in tennis which states:

If a player commits any act which hinders his opponent in making a stroke, then, if this is deliberate, he shall lose the point or if involuntary, the point shall be replayed. (ITF, 2002a)

Yet, no precise criterion is given for what it means to hinder an opponent. Thus, we might ask whether slow or quick play constitutes a hindrance to stroke preparation by an opponent. Does excessive bobbing and weaving when receiving serve hinder the stroke of the server? If a player stamps noisily on the

ground or waves his or her arms around when the opponent is preparing to smash the ball, does that hinder the player preparing to smash the ball? Monica Seles, the former number one player in the world, was renowned for her loud and distinctive grunt as she struck the ball. Was it a deliberate ploy to distract her opponents or was it merely an indication of the amount of physical effort she put into her game? The difficulty is in determining what constitutes "deliberate" hindrance. How do we know when an act is deliberate? Moreover, "slow", "quick", "noisily", and "excessive", are open to interpretation. How noisy is too noisy? How much bobbing and weaving is too much bobbing and weaving? Thus, the way in which we understand rules will always be open to interpretation.

While Morgan (1987) concurs with D'Agostino (1981) that formalism is a defective theory of games he takes issue with the two objections outlined above. First, Morgan points to the distinction between constitutive and regulative rules that is central to formalism. We can illustrate his point in the context of tennis. Formalism claims only that players must observe the constitutive rules of the game. In tennis the constitutive rules of the game allow specific actions such as serving and returning serves that are logically dependent on the rules and which, consequently, could not have existed before the constitutive rules did. Thus, constitutive rules define what a game is in the sense that they specify all the conditions that must be met in order to play the game. Constitutive rules are distinguished from regulative rules since regulative rules regulate "antecedently or independently existing forms of behaviour" (Searle, 1969:33). In other words, regulative rules outline specific restrictions or conditions upon behaviour.

According to Morgan (1987), then, although regulative rules are extensions of constitutive rules this does not mean that violating a regulative rule will nullify the game. In sum, if a player violates a regulative rule of a game she is still playing the game. It follows that violations of regulative rules do not mean the game is not being played. Constitutive rules define the rules of the game. Secondly, Morgan points out that the distinction between constitutive and regulative rules lessens the problem of idealism. As only constitutive rules determine the defining conditions of a game, games in which regulative rules are

broken are still games. It follows that games do not become idealised types at all.

3.3.1 *Too abstract to explain actions*

We argue now that formalism is a poor theory of games since it is too abstract to explain sporting or game actions therein. According to Lüschen (1976:193):

Cheating in sport is the act through which the manifestly or latently agreed upon conditions for winning such a contest are changed in favour of one side. As a result, the principle of equality of chance beyond differences of skill and strategy is violated.

Leaman (1981) is critical of this definition since it fails to consider the intentionality of the players. If a player unwittingly violates the rules and in so doing achieves an unfair advantage it is not inevitable that he or she has cheated. A tennis player, for example, who uses a racket that violates the technical rules concerning what constitutes a tennis racket may not have cheated if the racket was used without his or her knowledge of its illegal status. Rather, it may have been the player's coach or racket sponsor who gave him or her the racket to play with and decided not to inform the player of its illegal status. What is problematic for Leaman is that Lüschen's (1976) definition of cheating focuses on an abstract principle of equality over and above skill and strategy differences. Such an abstract approach to defining cheating fails to consider the rich social and cultural histories and traditions of games and conceptions of "fair play". The nature of "fair play" in tennis cannot be determined solely by reference to the rules of the game since there are many non-game actions that may or may not be considered to be "fair play" yet formalist theories of games do not refer to them. A tennis player, for example, may grunt when hitting the ball, cough loudly just as his or her opponent is about to serve, retie his or her shoelaces after a long exhausting point, or speed up or slow down the pace at which the game is played by doing things that are not directly part of the game such as talking to spectators in between points. Thus, it seems as though we need to explore the social and historical situatedness of tennis in order to determine whether or not these actions

are considered to be “fair play”. This point links to another criticism outlined below.

3.3.2 *The social context of games*

We argue here that if formalism is too abstract it is because it does not consider the social context of games when considering “fair play”. According to Lehman (1981:285):

Games are played within a framework of social practices and priorities, and violations of rules must be assessed within this framework to determine whether competition and victory, in the normal sense of the words, have occurred.

In other words, we need to take into account more than just the rules of tennis we outlined in chapter 2 before we can evaluate what is cheating or what is fair. We need to consider what D’Agostino (1981:42) refers to as the “ethos” of a game: the conventions that determine how the formal rules of a game are applied in actual situations. The abstract nature of a formalist theory of games is too “thin” (Walzer, 1994:2) as it omits the richness and diversity of games. Thus, rule adherence will generate only a minimum standard for “fair play” since, as outlined above, there are many actions that occur in a game that fall outside the remit of the rules. Accordingly, in order to develop a more accurate conception of “fair play” we must include a “thick” (Walzer, 1994:2) account of the social context of games by considering and interpreting games within the framework of social practices.

Significantly, although the rules may form the settled nucleus of an ethos, they are not permanently fixed. The histories of sports are littered with technological and technical innovations and improvements in the standards of performance that challenge the rules and their ethos. In the early 1980’s, for example, the javelin was re-engineered resulting in it being thrown consistently beyond the stadium space allocated to it, occasionally landing in the spectator stands. The International Amateur Athletic Federation⁵ responded by banning the new javelin and legislated so that the centre of gravity of the javelin returned to its previous

position (Gelberg, 1998). The introduction of new tactics and strategies by basketball players has led to changes in the rules including the introduction of the three-second rule, goal-tending rules, and the thirty-second rule (Eassom, 1998). Hardman (2000) has explored the impact of technology on golf. Improvements in golf club design have changed the average hitting length of reasonably skilful golfers and new golf ball designs have reduced the amount of flight deviation when the ball is hooked or sliced. Consequently, some bunkers, trees and water hazards that had been positioned in order to penalise under-hit and off-line shots have become superfluous. Green keepers have responded in a variety of ways in order to reintroduce the difficulty of the course including increasing the length of the hole, narrowing the fairways, thickening the rough, making pin placements more difficult, or changing par five holes to par fours.

3.3.3 Rules are interpreted and applied in actual situations

Our final criticism of formalism is that it does not acknowledge that rules are interpreted and applied in actual situations. According to Loland (1998:87):

... formalism lacks understanding of the distinction between a game as a system of ideas: as a possible form of conduct expressed by a system of rules, and as a system of action: as the realization in the thought and conduct of certain persons at a certain time and place of actions conceptualized by the rules.

In other words, although games are defined by rules the rules must be interpreted for games to be realised in practice. Consider Rule 30, part d) of the rules of tennis on Continuous Play and Rest Periods:

Play shall be continuous from the first service until the match is concluded in accordance with the following provisions:

(...)

d) The Umpire may suspend or delay play at any time as may be necessary and appropriate. (ITF, 2002a)

Clearly, what umpires consider to be “necessary” or “appropriate” grounds for suspending play is open to their interpretation of the particular situation in hand. When play continues late into the evening at the Wimbledon championships, for

example, some umpires may decide it is “necessary” or “appropriate” well before other umpires to stop play because of the failing light or the amount of dew on the courts. Loland (2002) also points out that since games consist of two or more individuals or teams the need for at least a few shared norms on how the rules are to be interpreted is required. Imagine, for instance, how difficult it would be to play a game of tennis, football or ice hockey if there was not at least some shared understanding between the players of how the rules are to be interpreted.

We conclude that formalism is a poor theory of games as no game can be totally defined by its rules. It follows that formalism cannot define “fair play” since conceptualising “fair play” as keeping to the rules does not explain the wide variety of behaviour that goes on sport. Rather, it seems as though the nature of “fair play” ought to be defined by the social, cultural and historical context in which the formal rules are applied. This is not to say, however, that the rules have no part to play. Instead, it seems as though an account of the social and historical situatedness of games ought to be used in conjunction with the rules of the game in order to define “fair play”. Thus, “fair play” in tennis ought to be defined by the formal rules of the game as well as the social and cultural norms that define how the game is played. Understanding tennis in terms of MacIntyrean social practices that are constitutive of broader cultural traditions and through which we learn, share and reinforce the virtues, enables us to consider the social, cultural and historical developments that determine how we understand the formal rules and ethos of tennis. The following section explores the notion of “fair play” as virtue.

3.4 “Fair play” as virtue

Contemporary ethics has seen a growing interest in virtue theory such that it is now widely acknowledged as a significant rival to the traditional moral theories of utilitarianism and deontology. The increasing appeal of virtue theory can be attributed, in part, to the increasing dissatisfaction with some of the key features of modern ethical theories. There is, for example, some dissatisfaction with the notion that moral reasoning is simply a matter of applying moral principles or moral rules (Williams, 1973; Slote, 1992) or that all humans are bound by some

universal duties (Anscombe, 1958a; MacIntyre, 1985). Yet, the move toward virtue theory as an attempt to resolve some of the difficulties of modern ethical theories is not simply theoretically driven. It is also an expression of the dissatisfaction with some of the fundamental aspects of contemporary Western society. Hence, to advocate a virtue theory approach is to advocate a different sort of society and different relations between its members. There is, for example, the communitarian position espoused by MacIntyre (1985) and Taylor (1989) amongst others, and the ethic of care advocated by Gilligan (1982) and Noddings (1984) amongst others. Although there are extreme and moderate accounts of virtue theory⁶ what they do share is the idea that "the basic judgments in ethics are judgments about character" (Statman, 1997:7). The pursuit of human flourishing does not lie in specific actions regulated by rules or principles of right conduct but in the character of good persons living good lives. Thus, we prefer the trustworthy to the untrustworthy⁷, the just to the unjust, and so on.

In the philosophy of sport much of the literature focuses on the nature of sport in order to generate moral ideals of "fair play". Virtue theorists of sport believe that for "fair play" to be possible players must not only know *what* the rules of the game are but that they must also understand *why* they are. For instance, Loland and McNamee (2000) are critical of D'Agostino's (1981) account of the ethos of games since his account is unable to guarantee the ethical standards of the shared interpretation of the rules by the players. What is problematic, they argue, is if the shared interpretation of the rules of the game by, say, ice hockey players, encourages aggression and racism rather than encouraging the development of technical and tactical skills. As it stands, the ethos of games does not say anything about fair games or good games. Thus, although Loland and McNamee support the idea of the ethos of games since it acknowledges the diversity and particularity of sports, they take the idea a stage further and offer the beginning of virtue account of "fair play". They base their ideas of "fair play" on the Aristotelian moral ideal that focuses on the goodness of human character. We prefer, then, the character of those competitors who adhere to the rules so that the competition is a fair and equal examination of the appropriate skills and abilities of the game rather than those who adhere to the rules for fear

of being penalised. "Fair play" is equated with virtues since virtues are essential in order to be a member of a community or to participate in any social activity. Thus:

Fair play does not only mean adherence to written rules: rather it describes the right attitudes of sportsmen and sportswomen and the right spirit in which they conduct themselves. (CIFP, 1992, quoted in Wigmore & Tuxill, 1995:71)

This suggests there is a distinction between a kind of virtue-based self-rule and rule-following. We explore the distinction here since it has implications for the escalating use of technology in sport to detect rule violations.

3.4.1 The distinction between self-rule and rule-following

Pearson (1973:183) provides a rule-following account of games:

A particular game is no more (...) than its rule. (...) A game is identified, or defined, as being just that game by the rules which govern it.

Rules are human constructions. Clearly, people often have to decide whether to take one course of action or another. The rules are intended to identify the course of action any reasonable person would agree is right. They are generally constraints, proscriptions or prohibitions. Thus:

... rules specify the goal-within-the contest which all participants must necessarily pursue, the means all participants must use and are allowed to use in pursuing that goal, and the means all participants may not legally use to pursue the goal. (Fraleigh, 1982:186)

The use of technology in sport to detect rule violations has increased. Most televised sports now show slow motion action replays and the "third umpire"⁸ is used in cricket and rugby. At many elite tennis tournaments an electronic line monitor rather than the human eye determines whether a serve is in or out. The CPE line monitor, also known as "cyclops" or the "magic eye", is a system of infra-red rays across the tennis court about 4cm off the ground (Eaton, 2001a). If

a serve is hit long it breaks the beam and activates the beeper. There is no technology as yet, however, that can recognise serves that are served wide of the service line so these are still judged by linespeople. Service netcords in tennis are also decided by technology at many elite tournaments. The Trinity electronic net-cord monitoring device was introduced to as much to save net cord judges from being injured by serves that are now sometimes hit at around 150 miles per hour as it was to increase accuracy (Eaton, 2001a). If a serve touches the net a sensitive active sensor attached to the end of the net converts the vibrations to an electronic impulse that triggers a visual and an audible signal for the chair umpire. Prior to this kind of technology at elite tennis tournaments if a service fault was not called a fault by the linesperson but was seen by the server to be a clear fault then there was an opportunity for the server to point out to the umpire that he or she had hit a service error. Similarly, if a netcord was not heard or felt by the netcord judge⁹ but was heard or seen by the server, then a similar opportunity arose for the server.

If we understand “fair play in terms of virtues rather than merely rule-following then the likelihood that tennis “faults” will now be detected by the kind of technology outlined above may mean that they detract from “fair play” at an elite level of play rather than enhancing it since the number of opportunities to voluntarily follow the rules may be reduced. What is paradoxical, argue Wigmore and Tuxill (1995), is that while relying on the human eye to make judgements is an inefficient means of detecting rule violations, it may provide more opportunities to practice “fair play” even though it may sometimes result in unfair decisions. This scenario leaves a space for the claim that “fair play” can be developed through sports education. We explore this idea below.

3.4.2 *Sports education*

Much has been written about the notion that the practice of sports, games and other physical activities is connected with the development of moral character. According to Carr (1998), there are three main perspectives on this issue. First, sports, games and other physical activities can only have negative moral educational value since they exhibit morally negative features such as

competition and aggression. Secondly, they can only have positive moral educational value since they exhibit morally positive features such as co-operation and team spirit. Finally, they are neutral from a moral educational point of view since it is not clear that they exhibit either inherently positive or negative features. A comparison and exploration of the merits of these perspectives must be the focus of a different thesis. We can, however, point to one way in which sports might provide an arena in which moral development is possible. The suggestion is made by Alderman (1997) that rule-following has only a small part to play in moral education since becoming a good person is a matter of emulating role models rather than learning or applying principles or rules. His view coheres with Aristotle's (1981, *Nicomachean Ethics* Book II-1, quoted in Reddiford, 1981:10) view that moral virtues are acquired by repeating the corresponding acts:

We learn an art by doing that which we wish to do when we have learned it: we become builders by building, and harpers by harping. And so by doing just acts we become just, and by doing acts of temperance and courage we become temperate and courageous.

If we follow this account then we learn how to be a virtuous tennis player in the same way that we learn to walk, to whistle, and to sing, by observing those people who are capable in these areas and endeavouring to do likewise. It may be the case, then, that education through moral exemplars, which is necessarily context specific in nature, may be a more successful route to moral education than that which focuses on rule-following since rules and principles are too abstract. Ethical conduct is more than simply the responsibility to follow the rules. Thus, if elite male tennis players, other players at all levels of the game, spectators, and anyone else with an interest in seeing tennis flourish, do not see concrete examples of "fair play" in action, it may be that what it means to be a virtuous tennis player may diminish over time.

3.4.3 A “bag of virtues”

Butcher and Schneider (1998:2) explore “fair play” as a “bag of virtues”, following Kohlberg’s (1981) abuse of character as the “bag of virtues” approach to moral education. Those who advocate this approach aim to draw up a list of not necessarily connected virtues or admirable qualities, and link them with, or apply them to, sports behaviour. This kind of ethics seems to be social science by another name since social science research methods such as observation, ethnography, interviews, questionnaires, and so on, are used operationally to define measurable behaviours in order that data can be collected and analysed. Lee and Cockman (1995), for example, carried out semi-structured interviews with young football and tennis players in order to identify the kinds of values that underpin unfair or immoral behaviour in sport¹⁰. What adds impetus to the “bag of virtues” model, argue Butcher and Schneider, is the desire to use sport to teach social values. According to this approach, sport is the means by which approved values can be efficiently delivered. Shields and Bredemeier (1995:195) are the foremost proponents of this approach, arguing that “character” can be considered “in terms of four virtues: compassion, fairness, sportspersonship, and integrity”. They argue that these four virtues can be taught in school sports programmes. Their approach to morality is based loosely on Blasi’s (1987) characterisation of the moral domain. According to Blasi (1987:86), a behaviour or practice can be thought of as moral:

...if it is intentional, a response to some sense of obligation, and if the obligation is a response to an ideal, even if vaguely understood.

Thus, for Shields and Bredemeier (1995) moral action is obligated and intentional, morality is experienced as prescriptive, and the sense of prescriptivity is a result of a universally based conception of the good and the right. Butcher and Schneider (1998) argue that Lumpkin, Stoll, and Beller (1994) embrace a similar approach to moral education in sport. Lumpkin *et al* suggest that justice, honesty, responsibility, and beneficence are the four key general moral values or principles that are the foundation for a reasoning strategy

for “fair play” in sport. They also concur with the criteria of obligation and intention, prescription, and universalism espoused by Shields and Bredemeier.

Yet, these accounts individually, as well as the way they are grouped together by Butcher and Schneider (1998), are problematic in a number of ways. Butcher and Schneider point out, for example, that one problem with the “bag of virtues” approach taken by both Shields and Bredemeier (1995) and Lumpkin *et al* (1994) is that although their lists are compatible they are not identical. This is not surprising however, since the list offered by Shields and Bredemeier is a list of virtues while the list offered by Lumpkin *et al* is a list of values. Butcher and Schneider (1998) have simply grouped together a “bag of virtues” approach with a “bag of values” approach. Nevertheless, both these approaches can be criticised for suggesting that the notion of character can be limited or reduced to a list of four underlying virtues or values. It is not made clear by Shields and Bredemeier why the four virtues on their list are *the* four virtues of character (Jones & McNamee, 2000). Similarly, the only justification Lumpkin *et al* provide for their list of four moral values or principles is their unsupported statement that they can be found in historical texts such as the Bible, the Pali Canon, and the Koran, and in most societal ethics.

Butcher and Schneider (1998) argue that because rival ethical perspectives are translated into different characteristics as the basis of “fair play”, and just as there is no sound means of deciding between the rival claims of different moral systems, there is also no way of deciding between competing claims regarding “fair play”. Likewise, they point out that relativists may claim that a culturally based conception of “fair play” is simply irrelevant to their particular project. Yet, Shields and Bredemeier (1995) and Lumpkin *et al* (1994) do not claim it is possible to arbitrate between competing claims since the whole point of their accounts is to avoid this kind of cultural specificity. It is their claim to cultural universality that is problematic. Lumpkin *et al* claim there are four key general moral values or principles that are the foundation for a reasoning strategy for “fair play” in sport. Yet, as Jones and McNamee (2000) point out, they give no reason why it must be four general moral values or principles rather than six or ten, or even picking one master value or principle such as justice.

In sum, understanding “fair play” only in terms of virtues is problematic since it is difficult to be clear about what characteristics or behaviours ought to be included in “fair play” and why they ought to be included. “Fair play” cannot be comprehended merely as the exhibition of a set of admirable characteristics or virtues. Nevertheless, we do need the virtues to be included in our account of “fair play” since, as our exploration of MacIntyre’s (1985) thesis in chapter 2 showed, the virtues can provide us with a rich account of our moral lives by showing us what good lives look like. In other words, in order to evaluate whether particular technical and technological innovations in elite male tennis are fair, those involved in the decision-making process necessarily require a range of dispositions including fairness, integrity, goodness, courage, responsibility, and so on. Separating fairness or “fair play” from a full range of dispositions and the context of decision-making in elite male tennis would be to consider only part of the picture and thus misrepresent the understanding we have of it. There is a sense in which our exploration thus far has been more concerned with the “fair” in “fair play” than the “play”. Thus, the following section explores the idea of “fair play” as play.

3.5 “Fair play” as play

The historical background of “fair play” has its origins, in part, in the culture of social elites. As we noted above, some writers make a connection between the idea of virtuous behaviour in games and war in 3rd century AD England. The idea was taken through to the chivalry of the Middle Ages and connected to sport in the 19th century by the English middle and upper classes. A disinterested play attitude formed the nucleus of the amateur ideology that prevailed in modern sport history and is exemplified by the history of the Olympic Games. Thus, “fair play” seems to have its origins in a tradition connected to socio-economic circumstances that enabled non-instrumental and exclusive ideals to develop.

Much of the philosophy of sport literature has drawn on the play tradition, those historians, psychologists, philosophers, and so on, who share a similar view of

the moral superiority of play. Huizinga's (1949) account of the history of culture, for example, argues that at the centre of culture lies play and Csikszentmihaly's (1975) thesis is that play provides "deep flow" experiences. Philosophers of sport such as Suits (1978) and Meier (1980) have focused in different ways on notions relating to the playfulness of sport. At the heart of understanding "fair play" as play is the notion that sport is separate from everyday life. It is chosen voluntarily and engaged in for its own sake. Play is an activity whose purpose is internal to itself as opposed to external or instrumental. We choose to play sport because it:

... is a kind of diversion which has for its direct and immediate end fun, pleasure, and delight. (Keating, 1964:146).

The amateur ethos and theories of play offer important insights into the meaning and worth of games. The notion of play as a morally superior human enterprise and that sport is at its best when realised as play appeals to many philosophers of sport. Yet, understanding sport simply in terms of "play" seems to assume too much. Huizinga (1949) articulates the generally prevailing view of cheating in sport by arguing that:

To our way of thinking, cheating as a means of winning a game robs the action of its play-character and spoils it altogether, because for us the essence of play is that the rules be kept – that it be fair play. (Huizinga, 1949:72)

As we have seen already in the case of formalism, however, determining whether or not the rules of a game are being adhered to is not always straightforward since it hinges on whether we accept a narrower or a broader interpretation of the rules of the game. Thus, Huizinga's (1949) justification of "fair play" in sport does not explicate why players have a moral obligation to reject cheating.

3.5.1 Instrumental attitudes

Moreover, it is widely accepted that many elite sportspeople do seem to participate in sport with an instrumental attitude. They see sport as a means to external ends such as fame and fortune. The top incomes in elite sport includes

the Formula One driver Michael Schumacher (\$59m), the golfer Tiger Woods (\$53m), the boxer Mike Tyson (\$37m), the basketball player Michael Jordan (\$37m), and the tennis player Andre Agassi (\$17.5m) (Fein, 2001). Drug use in sport also illustrates the way in which the lure of fame and fortune seems to be too much for some athletes to miss. Even when some elite athletes, such as Ben Johnson and Katrin Krabbe, have been banned from their sports for lengthy periods of time for drug abuse they have been found not to cease these practices when they return to the sport. It is the twin goal of achievement and success at all costs, argues Volkwein (1995), that dominates their conduct. The ends justify the means for these athletes.

3.5.2 *Work not play*

Hegemony sport theorists such as Beamish (1982) and Gruneau (1983), amongst others¹¹, argue that sport is best understood as work as opposed to any alternative to work. Sport is simply a reflection of the repressive norms and values of Western capitalism. Gruneau understands sport in terms of a social practice. Sport is socially constructed and historically grounded. Sport is a practice in and through which people make and remake themselves and the social world that surrounds them. It is this social and historical embeddedness of sport that leads Gruneau to be critical of those who advocate idealist theories of sport that appeal to the playful essence of sport as a critical benchmark by which to judge sport. On his account, any abstract appeal to theories of sport as play is irreconcilable with the social and historical grounding of sport.

3.5.3 *A metaphor for war*

There is also a sense in which sports practitioners themselves, as well as the sports media, also seem to be critical of the play ideal in the way that sport is often used as a metaphor for war. The footballer, Danny Blanchflower (1968, quoted in Green & Atyeo, 1979:11), said: "Sport is a wonderfully democratic thing, one of the few honourable battlefields left". Frank Gifford (1979, quoted in Green & Atyeo, 1979:13), a former American Football player, was quoted as saying: "Football is like nuclear warfare. There are no winners – only

survivors". Even in chess, Boris Spassky (1972, quoted in Green & Atyeo, 1979:164) the Soviet chess grandmaster, said on losing his world championships: "I kept him in my hands, but I couldn't kill him". The media often talk of tennis players who "attack" the net, footballers who "attack" the goal, netball players who "shoot" at goal, tennis players "kill" an easy mid-court ball, and so on. Some metaphors seem to be so deeply entrenched in the way that we describe sport that we are not consciously aware of them as metaphors. A volley is a forceful shot in tennis (and football). The word volley originates from the Latin word *volare*, meaning "to fly", and described a fierce attack of arrows followed by artillery in war (Beard, 1998). In military terms it refers to a great number of shots but in sport it refers to just one shot, although it is a fierce and effective one since the ball is hit before it bounces.

To conclude, understanding "fair play" as play is simply too abstract and too idealistic a notion to be our preferred account of "fair play". Whilst play is undoubtedly an importance aspect of sport it is not clear how sport can be understood solely in those terms, particularly in the context of elite sport. Thus, this brief analysis of "fair play" as play illustrates the ambiguity of sports since we seem to be able to interpret sport in a variety of ways. The following section explores the notion that "fair play" is best understood in terms of respect.

3.6 "Fair play" as respect

There are a number of ways in which the concept of "fair play" has been understood in terms of the notion of respect. Like the virtues, these understandings define "fair play" in terms of something much more than the rigorous observance of the written rules of the game. They include respect for persons (Simon, 1991; Tuxill & Wigmore, 1998), self-respect (Wertz, 1981; Reddiford, 1998; Tuxill & Wigmore, 1998), respect for the spirit of the game (International Council of Sport Science and Physical Education¹², 1976), and respect for the game (Butcher & Schneider, 1998).

3.6.1 *Respect for persons*

One way of exploring notions of respect in sport is to begin with the Kantian understanding of respect for persons which is the demand to:

... act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end. (Kant, 1948:32)

Essentially, the idea is that we ought not to use someone as a means to an end without their consent¹³. Cheating in sport, for example, denies the cheated person the opportunity in principle to consent to the cheater's plan. Simon's (1991) analysis of the nature of cheating and its ethical status in sport has its origins in the Kantian tradition. He argues that cheating is morally wrong as it disrespects persons as moral agents. He argues that violating the Kantian principle of universalizability means that the cheater:

... is someone who intentionally violates the public system of rules, which all competitors are entitled to have applied to the contest, for personal advantage. The cheater is acting unjustly or unfairly by behaving as if he or she occupied a privileged position, one outside the rules, even though there is no justification for such a claim. The cheater treats the other competitors as if they are means to be used for personal advantage, even though they too are moral agents, persons whose purposes and plans should count equally from the moral point of view. (Simon, 1991:46)

In other words, other players become simply means to the ends of the cheat, as opposed to being equal participants in a shared purpose and shared activity. Tuxill and Wigmore's (1998) analysis of "fair play" also leads them to argue that the moral wrongness of unfair play in sport is that it symbolises a lack of respect for persons. Part of their exploration of respect for persons in sport leads them to make a connection between self-deception and a lack of self-respect.

3.6.2 *Self-respect*

It is clear that, if we are to follow Kant (1948:32), an essential part of respect for persons is the notion of self-respect since he states “whether in your own person or that of any other”. Tuxill and Wigmore argue that since one of the typical ways of treating someone as a means to an end is to deceive them then self-deception is a form of lack of self-respect. Their view is shared by Reddiford (1998) who explores the problem of cheating as a kind of deception. His account of self-deception explains how cheats can avoid, albeit only temporarily, the responsibilities they implicitly agree to just by taking part in sport and how they abuse the trust of their fellow participants. Reddiford (1998:236) argues that self-deceivers who discard a large variety of their well-founded beliefs may lead to their “moral disintegration”. Systematic denial of every violation, vicious act and deception raises questions about their integrity and undermines the very sport they claim to value. The ICSSPE (1976) incorporate the notion of self-respect into their Declaration on Fair Play. Although their minimum requirement for “fair play” is that the competitor “shows strict, unfailing observance of the written rule” they recognise that simple rule-following is inadequate (ICSSPE, 1976:10). Rather, the competitor must appreciate that as well as a respect for the rules there must be a respect for the spirit of the game. It is the spirit in which competitive sport is played that embodies “fair play”. This “way of behaving” develops from self-respect and includes respect for their team mates, their opponents, and the officials of the game (ICSSPE, 1976:11).

More recently, Simon (2000) has drawn attention to the way in which he believes some writers, such as Butcher and Schneider (1998) and Russell (1999), have attempted to go further than accounts of formalism as a way of evaluating whether sports conduct is ethical, yet also further than the idea that ethical evaluation of sports conduct can be based simply on whether the conduct adheres to the conventions of the sport. We undertake here a brief preliminary exploration of Butcher and Schneider’s (1998:8) conceptualisation of “fair play as respect for the game”.

3.6.3 *Respect for the game*

According to Butcher & Schneider (1998:9):

... if one honors or esteems one's sport, not only will one wish to exhibit fair play, but one will also have a coherent conceptual framework for arbitrating between competing claims regarding the fairness, or otherwise, of actions.

They argue that the conceptual framework comes from the notion that sports have interests. They argue that "respect for the game" is expressed when sportspeople adopt the internal interests of the game as their own. Accordingly:

The idea of the interests of the game provides a means for judging one's own actions in relation to the sport. (...) Taking the interests of the game seriously means that we ask ourselves whether or not some action we are contemplating would be good for the game concerned, if everyone did it. (Butcher & Schneider, 1998:11)

They illustrate their claim with an example of a squash player who has arrived for a match, through no fault of her own, without her racket. They argue that the idea of respect for the game provides enough reasons for her opponent to lend her a racket. At a personal level both competitors would miss out on a valuable experience and a personal test if her opponent chose not to play. At a more general level the sport of squash would be enhanced by players playing and competing to the best of their ability whenever feasible. At the institutional level they argue that the game of squash would not be well served if the match did not take place although they offer no reason as to why this is the case.

Butcher and Schneider (1998) understand "fair play" as "respect for the game" in terms of an assumption and transformation of interests. "Sports are practices and practices are the sorts of things that can have interests" (Butcher & Schneider, 1998:9). Accordingly, the squash player takes on the interests of her sport. They make an implicit reference to McNamee's (1995:75) "mixed goods" thesis in their claim that we approach activities with mixed motivations and interests. They claim that since the interests of the game are now our interests, we are

motivated to strive for the good of the game. Yet, their account of the transformation of interests is problematic. In their example they claim that a squash player who respects the game wishes to play as well as she possibly can against a worthy opponent who is also playing as well as she possibly can. Hence, it is not in the interests of the squash player to have her opponent play below par, apart from when the means that bring that about are part of the game itself. It is not unexpected, then, that Butcher and Schneider deduce that a squash player should lend a racket to her opponent if her opponent is without hers.

According to Simon (2000:7), this is an example of "broad internalism" since appeal is being made to norms or principles internal to the notion of sport. Norms or principles are not simply social conventions or the formal rules of the game. Yet, Butcher and Schneider (1998) do not say clearly what the norms and principles of squash are. Nor do they make clear whether there are particular principles or norms for particular sports or whether they are meant to apply to sports in general. Moreover, they do not make it clear why we need to appeal to the notion of broad principles of sport at all. The notion of "fair play" as a system of rational moral norms will be returned to later in the chapter. For now, however, we can conclude that it is impossible to determine what the interests of squash are without first appealing to an account of the nature of squash that claims to be the best interpretation or explanation of its main characteristics. It is significant that although Butcher and Schneider do not provide such an account since they believe their account of the interests of the game provides a coherent conceptual framework for deciding what is and is not "fair play" they do implicitly appeal to an interpretation of the main characteristics of squash. They seem to make certain presuppositions about the place of the rules in the sport, the tactics and skills required to play the game, what constitutes a good game, the social and cultural ethos, history, and traditions of the sport. There are also certain metaphysical difficulties with the idea that sports can have their own interests independent of people. We will return to this issue later in the thesis.

To conclude, the contribution this account might be able to make to any evaluation of technical and technological innovations in elite male tennis is

limited. Butcher and Schneider's (1998) account is too abstract since it fails to elaborate on what the ethos of particular sports might be in terms of their rules, the skills they test, their histories, traditions and rituals, and so on. Essentially, their account neither defends nor explains the relationship between the idea that "fair play" as "respect for the game" is a general principle underlying sport and the particularities of specific sports. Thus, we will be unable to evaluate whether technical or technological innovations in elite male tennis are good or fair. While the notion of respect in their account, like the other accounts of "fair play" as respect outlined above, highlights that respect is important in sports, by itself it loses its sense or meaning. Those who understand "fair play" in terms of a social contract also claim to draw on an underlying account of sport. This conception is explored in the following section.

3.7 "Fair play" as a social contract

There are two questions that all moral theories must answer:

What are the demands that morality makes of us, and why should we feel obliged to obey those demands? (Kymlicka, 1993:186)

The social contract approach to ethics appeals since it seems to offer uncomplicated and related answers to these two questions. First, the demands of morality are set by the agreements that people make to govern their social relations with each other. Secondly, we ought to meet these demands since we have agreed to them. Yet, although this approach seems uncomplicated, different theories provide very different versions of the content and normative weight of the agreement. The social contract approach to morality demands that we:

... join others in acting in ways that each, together with others, can reasonably and freely subscribe to as a common moral standard. (Diggs, 1982, quoted in Kymlicka, 1993:186)

If we do not put any limits on what is to be included as reasonable and free agreement, however, then perhaps any theory can be portrayed as contractarian as many theories claim they offer a common moral standard that people can

reasonably and freely subscribe to. In order to put limits on contractarian ethics we must restrict the sorts of reasons that can be appealed to when creating agreements and the sorts of circumstances in which they are created. In Rawls's (1971) contemporary account of social contract theory he emphasises that there is a natural equality of moral status that makes the interests of every individual a question of impartial concern. He articulates this concern in agreements that acknowledge each individual's interests and moral status. He argues that although we have intuitions about what it is to regard people with equal consideration, these intuitions are unclear and we need a procedure to help us to clarify the exact meaning of justice. He argues that the notion of a social contract is one such procedure since it includes the fundamental principle of impartial deliberation that every individual considers the needs of others as free and equal people. In terms of fairness Rawls (1971) argues that:

... when a number of persons engage in a mutually advantageous co-operative venture according to certain rules and thus voluntarily restrict their liberty, those who have submitted to these restrictions have a right to a similar acquiescence on the part of those who have benefited from their submission. (Rawls, 1971:343)

In other words, his intuitive idea of fairness is that in any cooperative practice we ought not to profit from the cooperation of others without doing our fair share. Loland (1998:85) situates this in the context of sport thus:

When we voluntarily engage in a rule-governed practice, we enter a more or less tacit social contract in which a moral obligation arises: keep the formal playing rules of the game!

If we break this agreement then the satisfaction we derive from playing games like football, cricket or tennis, which is dependent on our, and our opponents, observance of the constitutive rules, is diminished or eliminated altogether. Yet, "fair play" as a social contract is "open on the content of the agreement" (Butcher & Schneider, 1998:7). Although the content of the contract can be determined exclusively by the rules at other times it is determined by the way in which the participants practice and understand the rules. We consider the social contract account to be superior to understanding "fair play" than formalism since

it demonstrates that the sportsperson accepts the rules of the sport being played. In agreeing to compete, sportspeople put self-imposed restrictions on themselves. They do not regard the rules, and those who enforce them, as imposing the rules against their wishes. Rather, by engaging in the contest they have agreed to measure their skills and abilities, defined by the rules, against their opponents who are doing the same.

Butcher and Schneider (1998) point out that since the precise content of the agreement is "open" it seems able to accommodate the variety of ways in which the same sport can be played differently in different locations and at different levels of competition. We can illustrate their point in the context of elite male tennis. Although the agreement to compete at an elite level is structured by the rules of the game, the caveat, "as interpreted at a professional level", is included. This may mean that the game is played according to the umpire's decisions. Suppose, for example, two elite male tennis players are playing in their first major final with a prize of £250,000 at stake for the winner. After a long and exhausting rally near the end of a closely fought final set the umpire erroneously calls a smash out that both players know is clearly in. Moreover, the player who hit the smash is aware that his opponent knows the ball is in. The player who loses the point may complain to the umpire that a mistake has been made and try to get the decision reversed. He would not, however, expect his opponent who has gained the point unfairly to point out to the umpire that a mistake has been made. Yet, according to the contract approach this would be fair if both players understood "playing to the umpire's decisions" in this way. The contract approach to "fair play", then, might seem to be able to resolve at least some problems in elite male tennis.

3.7.1 *"The game is just not played like that"*

First, the suggestion that sportspeople reject appeals to play fair by replying that the game is just not played like that seems to have some support. Certain kinds of behaviour do seem to have become an accepted part of the game by elite male tennis players and officials even though they violate the rules. Rule 30 of the

Rules of Tennis on Continuous Play and Rest Periods states that the time allowed between points:

... shall be a maximum twenty (20) seconds from the moment the ball goes out of play at the end of one point to the time the ball is struck for the next point. (ITF, 2002a)

This rule rarely seems to be strictly enforced by the umpire even though players often take more than twenty seconds in between points. There is a sense in which the umpire does not enforce the rule on absolutely every occasion since it may delay the flow of the game even further. The umpire would have to give the player a public warning that may result in the player getting involved in a time consuming dispute with the umpire. Such a scenario, every time a player exceeds twenty seconds by even one or two seconds, would be more disruptive to the flow of the game than if the umpire allowed the players to break the rule. Arguably, some players seem to take advantage of this by taking more than twenty seconds in order to recover from a long point or to slow the game down in order to upset the rhythm of their opponent. It has, in a sense, become an acceptable tactical play rather than an example of foul play. Thus, according to the contract account of "fair play", elite male tennis players would claim that it is their implicit agreement with their opponents and with the officials that defines what is fair, not merely the rules.

3.7.2 The implicit nature of agreements

Secondly, certain inconsistencies in the competitive arena also appear to be explained by the implicit nature of the agreement. It is possible that two elite male tennis players have not agreed to compete against each other in the same way. They may play the game according to two conflicting ethoses. Perhaps one player plays the game in accordance with the umpire's decisions. If, as we outlined above, the umpire makes an error, the player will not point out the error to the umpire. His opponent, however, may be playing the game in accordance to the spirit of the rules. In this case he would point out the error to the umpire. Consequently, there may be a tension between the players that may result in accusations of unfair play between them. Butcher and Schneider (1998) suggest

a way in which the contract approach seems able to resolve this dilemma. They suggest that an attempt could be made to ensure that all the parties involved are informed of the nature of the implicit agreement to compete. Perhaps the players and the umpire could agree before they went on court that they would play to the umpire's decisions only. The idea remains essentially one of agreement yet it eliminates the prospect of one player playing fairly, but operating by rules that are different from his opponent.

3.7.3 *A fundamentally negative concept*

Yet, this kind of implicit or latent agreement in the contract approach to "fair play" is problematic. Although understanding "fair play" in terms of a contract or agreement is superior to "fair play" as rule adherence it does not go far enough. The notion of framing sport in terms of a contract or agreement reduces "fair play" to a fundamentally negative concept. "Fair play" is defined as the lack of unfairness and unfairness is defined in terms of a breach of contract or agreement. Thus, "fair play" is to simply do no more or no less than you said you would do. On this understanding, then, any notion of the ethos of sports practices in terms of the particularity of sports, their individual nuances, shared understandings and conventions, and so on, are disregarded. Thus, similar to the account of "fair play" as respect for the game, "fair play" as a social contract fails to provide an account of the nature and point of competitive sports. Rather, in order to understand the ethoses of sports:

Our understanding of playing fair and foul in sport must begin with an understanding of sport itself, through history, through sociology, and through participation and engagement. It is difficult not to see the contractarian project applied to fair play in sport as that of the "unphysically intellectual": too far removed from the lived reality of the game. (Eassom, 1998:74)

In other words, "fair play" is about much more than a social contract with its underlying Rawlsian principles of justice as fairness. Justice, by itself, is not enough to determine what is and is not "fair play". This has implications for evaluating technical and technological innovations in elite male tennis. Those involved in the decision-making process must begin with the practice itself by

analysing and describing what good tennis is. In order to do this they need to draw on the technical and technological traditions and histories of the game and its “sacred cows” (Eassom, 1998:75). There may, for example, be certain core features of the game that, if they were to be eliminated as a consequence of the introduction of a particular innovation, would change the fundamental nature of the game to such an extent that it would no longer seem like tennis. Thus, tennis is defined by the conventions that naturally emerge over a period of time rather than the maintenance of any contractual obligation. Nevertheless, since sports are cooperative practices it is clear that people cannot play sports without first entering into some sort of agreement to abide by the constitutive rules of sports. In this minimal sense, then, sports can be understood in terms of a kind of social contract. Loland (2002) draws on the idea of a social contract in order to develop an account of “fair play” as a system of rational norms. We explore his thesis in the following section.

3.8 “Fair play” as a system of rational norms

Some writers, including Smith (1979), Loland and Sandberg (1995), Lumer (1995) and Loland (1998; 2002), have explored the idea of a system of norms for “fair play” in sports contexts. We explore here Loland’s thesis since he makes a particular claim that his system of rational norms can provide a framework for the rational evaluation of changes in the rules and practice of sport competitions.

According to Loland (2002), despite the multiplicity of individual, cultural and social differences, athletes worldwide seem able to relate to each other in an intelligible way in sporting contexts. Sportspeople meet and compete against each other in global sports competitions such as the Olympic Games, World Cup football, Davis Cup tennis, and so on. Thus, he suggests there exists at least a minimum consensus on some basic ideals of these practices. Loland’s (2002) aim is to articulate what he believes are the intuitive ideals latent in sport. He sets out to develop a set of basic norms that he claims can achieve public recognition in the pluralistic world of competitive sport that can subsequently operate as a regulatory device for sport in general. He formulates a number of ethical norms to form the basis of a common, moral code of conduct for the

overall practice of sport. Essentially, his is a right action theory of "fair play" since he seeks common procedural norms such as fairness and impartiality.

3.8.1 A "fairness norm"

Loland (2002) begins by exploring the notion of fairness in order to develop a "fairness norm". He advocates a Rawlsian understanding of why it is necessary to adhere to the formal rules of a game. As we noted above, according to Rawls (1971), it is wrong to profit from the cooperation of others without doing our fair share. Thus, for Loland (2002), when we voluntarily participate in a rule-governed social practice we enter into a tacit social contract to adhere to the formal playing rules of the game. The fairness norm he formulates from this is: "When voluntarily engaged in sport competitions, keep the formal playing rules!" (Loland, 1998:86). He acknowledges that there are, however, a number of objections to this formalistic understanding of games. Formalism, as we noted above, assumes rules are clear-cut and unambiguous and so do not need to be interpreted in practice yet, this is not always the case. He also agrees that the failure to account for ambiguous rules leads to difficulties where rule violations and penalties are concerned. The distinctions between game actions and games with different degrees of fairness, and between fair and unfair game actions and games are likely to become blurred. Instead, Loland (2002) draws on D'Agostino's (1981) definition of a set of shared group norms on the interpretation of the rules in a game as the ethos of that game. D'Agostino defines the ethos of a game in terms of the conventions that determine how the formal rules of the game are applied in concrete circumstances. Understanding games in terms of an ethos enables a more dynamic understanding since in:

... an ethos approach, we are able to draw distinctions between permissible acts that are in accordance with the rules, acceptable rule violations that are considered 'part of the game', and rule violations that are considered unacceptable and perhaps immoral. (Loland, 2002:8)

Again, Loland (2002) acknowledges the objections to the idea that a fairness norm is simply about adhering to the shared ethos of the practice. There is

something unsettling, for example, if we were to recommend keeping to the ethos of a game if that ethos accepts cheating or causing harm to other players. He draws on Rawls's (1971) justice norm in order to argue that intentional rule violations must be rejected as part of an ethos of any sport. From this he concludes that we are to adhere to the shared ethos of the practice only if the ethos does not violate basic ethical principles. Thus, the fairness norm in its final form is:

Parties voluntarily engaged in sport competitions ought to act in accordance with the shared ethos of the competitions if this ethos is just, ie., if:

- the competitors are given equal opportunity to perform by eliminating or compensating for significant inequalities that the competitors cannot influence in any significant way and for which they cannot be held responsible;
- athletic performance is interpreted as based on talent and individual effort, and performances adhere to a basic norm of not exposing others or oneself to unnecessary harm;
- unequal treatment in the distribution of advantage is in reasonable accordance with actual inequality in athletic performance;
- unequal treatment in terms of eliminating or compensating for advantage gained through rule violations is in reasonable accordance with the actual inequality that has arisen due to the violation. (Loland, 2002:144)

3.8.2 A *"play norm"*

Loland (2002) then goes on to examine what constitutes a good sports competition for sports practitioners in order to formulate a "play norm". He is aware that fair games are not always experienced as good games. This is his rationale for incorporating a norm on the realisation of good games into his moral code of conduct for sport competitions. He bases his characterisation of a good game on experiential qualities such as excitement, challenge, fun, drama, and joy. The realisation of these experiential qualities hinges on whether the game is played with an attitude of intensity and devotion. The idea, then, is to do one's best and treat opponents with respect. Thus, the play norm he develops is:

Parties voluntarily engaged in sport competitions ought to act so that all parties concerned have their intentional goals linked to the competition realized to the greatest possible extent by:

- realizing a norm for competitors' playing (according to a shared, just ethos) to win to the greatest possible extent;
- realizing a matching of competitors of similar preference strength, and of similar performance potential to the greatest possible extent. (Loland, 2002:144)

The fairness norm and the play norm together constitute Loland's (2002) moral norm system.

3.8.3 A common moral code of conduct

What is problematic about Loland's (2002) moral norm system, however, is that it is a theory of right action that subsequently prioritises the right over the good. Of course, it is important that we have a fair decision-making procedure in place in order to evaluate technical and technological innovations in elite male tennis. Rawls's (1971) theory of justice as fairness may have something to contribute to that. Yet, in order to apply precepts of justice, fairness, equality, and so on, we first need to have a clear understanding of what sport is. Moreover, we need to be clear about what constitutes particular sports. If we are to claim that it is unfair for elite male tennis players to break the rules of tennis intentionally or abuse the umpire, for example, we must first be clear about what constitutes a good game of tennis so that we can be sure that breaking the rules and abusing the umpire are harmful to elite male tennis.

Thus, in order to evaluate technical and technological innovations in elite male tennis we must first be clear about what constitutes a good game of tennis before we can say what constitutes a fair game. This, in turn, will determine what a fair decision-making method looks like. We need to know whether or not the effects of the proposed decision-making method will be fair on the participants. In chapter 2 we established the importance of the internal goods of elite male tennis for the flourishing of the practice. Thus, decisions that may lessen or eliminate altogether the opportunity for players to achieve the internal goods of the game will not be fair on the practitioners since such decisions will conflict with what

constitutes a good game of tennis. Thus, whilst Loland (2002) acknowledges the importance of good games, as evidenced in the development of a play norm, he fails to begin with an account of good games in his theory of "fair play". In other words, whilst it may be possible to carry out a rational evaluation of technical and technological innovations in elite male tennis guided by a system of rational norms this does not necessarily mean the rational evaluation is a good evaluation.

In sum, although Loland (2002) acknowledges the importance of good games and the ethos of sports he does not go far enough. The emphasis of his theory of "fair play" is on the formulation of a common moral code of conduct for sport competitions. This is an essentialist account of a moral code of conduct that ultimately sidelines the context, the particularity of sports, in favour of the abstract formalist interpretation of "fair play" with which we began the chapter. In the final section of this chapter we explain why the idea of "fair play" as the ethos of a game is our preferred conception of "fair play".

3.9 "Fair play" as the ethos of a game

In chapter 2 we developed a normative account of "fair play" from MacIntyre's (1985) neo-Aristotelian position that emphasised the importance of internal goods, practices, and traditions, and that decisions ought to be made by those who have relevant experience or knowledge of the practice of elite male tennis. We concluded, however, that MacIntyre's account does not provide a decision-making method. Rather, decision-making is left in the hands of the wise person who judges each situation wisely. We concluded also that his account is inherently conservative since it relies on practices and their traditions for justification. Throughout this chapter we have concluded each section by arguing that each of the conceptualisations of "fair play" we have explored fail since they do not pay enough attention to the social and historical situatedness of sports or, put another way, the ethoses of games. We argue here in favour of the ethos of a sport as our preferred account of "fair play" which is situated within normative authority in elite male tennis.

D'Agostino (1981) developed his account of the ethos of games in response to the formalist account of "fair play" we explored at the beginning of the chapter. Adhering to the rules of a game establishes only a minimal standard for "fair play" since rule adherence does not consider the context or manner in which the rules are enacted. His account of the ethos of a game is a context respectful attempt to resolve the formalist problem:

... it is important to recognize that any particular game has an ethos as well as a formal set of rules. By the ethos of a game I mean those conventions determining how the formal rules of that game are applied in concrete circumstances. (D'Agostino, 1981:42)

This notion of the ethos of a game captures the commonsense distinction between what is permissible and impermissible, and acceptable and unacceptable in sport. Yet, D'Agostino's (1981) account is also lacking in two ways. We follow McNamee and Jones's (2000) recommendation to revise two aspects of his thesis.

3.9.1 *A lived ethos*

First, we must steer clear of the formalism inherent in D'Agostino's (1981) thesis. His account is incomplete since he presupposes an analytical interpretation of sporting games as rule-governed practices. Interpreting a game merely as a system of rules disregards the social and historical situatedness of the game. In chapter 2 we emphasised the importance of internal goods, practices, and traditions. Considering elite male tennis in terms of a social practice in and through which the virtues are acquired, shared and reinforced, allows us to consider what it is that moulds our understanding of the formal rules and the ethos and traditions of elite male tennis. The idea is to articulate the unique language, ethos and culture of elite male tennis. It is the lived ethos of elite male tennis with its images, stories, technical and technological factors, institutions, and so on, that constitutes the setting for norms. The lived ethos has its origins in the shared experiences of the whole tennis community. As Morgan (1987) puts it, the formal rules comprise:

... only the outer shell of a game. It is the history of the game – its sustaining traditions, lively passions, storied commitments, and evolving standards of excellence – that flesh in that shell, and enliven it as the specific kind of human practice that it is. This is what makes up what I call the ethos of the game as a *social practice*. (Morgan, 1987:61) (*emphasis thus*)

Thus, where the evaluation of technical and technological innovations is concerned this approach allows us to consider the impact that previous innovations have had on players, spectators, and so on, in order to evaluate current proposals. We may, for example, want to compare the body type of players today with those of the past. If players today are generally taller and heavier and therefore more physically powerful than former players then we need to consider current technological proposals in light of this. We also emphasised in chapter 2 that decisions about what is best for tennis in terms of its evolving traditions and competing styles of play ought to be made by those who have relevant experience or knowledge of the game. An ethos-centred approach allows us to draw on the experiences and knowledge of those examples and stories deeply embedded in the social and historical situatedness of elite male tennis.

3.9.2 *Multiple interpretations*

Secondly, following McNamee and Jones (2000) and Loland and McNamee (2000) too, we must acknowledge that an ethos of a game is unlikely to be merely the conventional interpretation of the rules. Of course, there is a measure of convergence in tennis since players do agree on interpretations of the basic rules of the game including what it means to serve, to win points, games and matches, and so on. They make evident their mutually recognised consensus by adhering to the counting of points, games and sets prescribed by the rules and through their on court movement and conduct. Yet, we should not expect the norms of tennis to be standardised across the game. It is likely that there will be norms in elite male tennis that differ to norms in elite female tennis, elite male junior tennis, amateur male tennis, and so on. This is supported in research by Heinilä (1978) who found that interpretations of “fair play” in football played in

England, Finland and Sweden fluctuated not only according to nation but also within the national socio-cultural sporting context according to age and performance level, amongst other reasons. Nevertheless, they are all still playing football. The notion of an ethos, then, takes into account the variety of sports and the multiple interpretations of one set of game rules in diverse cultural contexts.

We understand the ethos of a sporting practice, then, to be the relatively shared interpretation of the norms and rules that justify and regulate those who participate in the practice. Thus, in order that we might go about evaluating technical and technological innovations we must begin by developing an account of what we understand to be a relatively common idea of what it is that constitutes a good game of elite male tennis. It is only by describing what a good game of tennis looks like that we can evaluate whether the effects of particular technical and technological innovations are fair on the players. The right action theories we explored above, such as Loland's (2002) and Butcher and Schneider's (1998), are inadequate since they do not have the notion of the good as their moral starting point. Rather, in chapter 2, MacIntyre's (1985) virtue-based practice-tradition model emphasised the importance of the internal goods of the game, that elite male tennis players are able to achieve and experience or have knowledge of these goods. Thus, our exploration of the internal goods of elite male tennis begins to tell us what constitutes a good game. We can build on that account by drawing on the social and historical situatedness of elite male tennis in order to provide a "thick" description of what is required to play technically and tactically good tennis. Moreover, it is only by describing what a good game of tennis looks like that we can know what is a fair decision-making procedure to evaluate particular technical and technological innovations. In order to apply any precepts of justice, fairness, equality, and so on, we need to have a clear understanding of what sport is and what constitutes particular sports.

Understanding "fair play" in terms of the ethos of a game also recognises that an ethos goes beyond the lives of simply the elite male tennis players. This is significant since we concluded in chapter 2 that although it is important that elite male tennis players are involved in the evaluation of technical and technological

innovations since they experience first-hand the internal goods of the game, it is also acceptable that those who have knowledge of the internal goods of the game can also be involved in the process. Thus, understanding “fair play” in terms of the ethos of a game allows us to include the relatively shared understanding of the court officials, administrators, coaches, spectators, and so on.

3.9.3 *An ethically acceptable ethos*

There is, however, a major problem with understanding “fair play” in terms of the ethos of a game. In order to evaluate technical and technological innovations in elite male tennis we must outline the relatively shared interpretation of the rules of elite male tennis when played in an ethically acceptable way. We agree with Loland (2002) that since sports are cooperative practices it is clear that people cannot play sport without first entering into some sort of agreement or social contract to abide by the constitutive rules of a sport. We have also suggested, following McNamee and Jones (2000), that in order to provide an account of the ethos of elite male tennis we must draw on the social and historical situatedness of the game. Yet, the shared ethos of the game may not be ethically sound. Perhaps there is a shared understanding by elite male tennis players that it is acceptable for them to cheat or to abuse the umpire. Understanding “fair play” simply in terms of the ethos of a game does not morally justify one interpretation of the ethos of a game over another. All it does is specify the minimum requirement that a game ought to be played the way certain players at a certain time and place consider it ought to be played. Yet, if all we have to justify the ethos of a game is its social and historical situatedness then “fair play” as the ethos of a game is an inherently conservative account. Morgan (1998:83) calls this ethical relativism “vulgar ethnocentrism”. Such relativism, he argues, may endorse practices that are inherently corrupt. As we noted in chapter 2, there is not just one tradition of elite male tennis, rather, there are many traditions. The question this raises is how we are to choose the relevant tradition in order to evaluate technical and technological innovations. We need to be able to discriminate between different forms of elite male tennis on moral grounds in order to justify one technical or technological innovation over another.

Considering “fair play” in terms of the ethos of a game can be a source of value in sports since it can contribute to our understanding of actual sporting practices through the exploration of the social, cultural and historical contexts of sports. The question is, however, whether the ethos has normative force. In other words, what is at issue is whether the conventions articulate what ought to occur in sports as well as describe what actually occurs in sporting practices. What is needed is a procedure or method that systematically and critically views the ethos to which it is suggested we adhere to in order to justify that particular ethos or interpretation of the game. Thus, whilst understanding “fair play” as the ethos of a game is our preferred account since it emphasises the importance of internal goods, practices and traditions, it does not provide a decision-making procedure or method that can provide morally justified decisions.

3.10 Conclusion

Despite the criticisms of “fair play” as the ethos of a game outlined above “fair play” as the ethos of elite male tennis is our preferred account of “fair play” which is situated within normative authority in elite male tennis. We have argued that understanding “fair play” as the ethos of a game is a context-respectful approach that recognises the importance of internal goods, practices and traditions, and that decisions ought to be made by those who have relevant experience or knowledge of the practice of elite male tennis. The context specific nature also allows us to incorporate MacIntyre’s (1985) account of the virtues and our emphasis on the internal goods of the game coheres with the experientially playful elements of “fair play” as play. Understanding “fair play” as the ethos of a game is preferable to the formalistic understanding of “fair play” as respect for the rules and the other, essentially abstract understandings of “fair play” explored in this chapter since they pay little or no attention to the context of particular sports. Moreover, since these are rights based theories, that is, they prioritise the right over the good, they fail to pay enough attention to what constitutes a good or well-played game.

We argued, however, that understanding “fair play” simply in terms of the ethos of games does not morally justify one interpretation of the ethos of a game over another. What is needed is a procedure or method that systematically and critically views the ethos to which it is suggested we adhere to in order to justify that particular ethos or interpretation of the game. In the following chapters we consider three theses that might fill this lacunae and from which a rational decision-making method to evaluate technical and technological innovations in elite male tennis could be developed. We begin in the following chapter by exploring the extent to which Rawls’s (1971) method of “reflective equilibrium” can contribute to morally justified decision-making in elite male tennis.

¹ A rally continued until the gallery was struck or the ball bounced twice. It did not follow that the point was automatically lost by the side that had let the ball bounce twice. Instead, the ball rolling along the ground had to be stopped as quickly as possible. The place where the ball had been stopped was marked and called the "chase". The teams changed ends after each "chase" and in the ensuing rally both teams were obliged to win the "chase". If the team attacking the "chase" succeeded in playing the ball in a way that forced it beyond the mark of the previous "chase" the point was theirs. If they failed, the point went to their opponents. The game continued thus until one side had amassed as many points, through striking the gallery and by "chases" conquered, as had been specified before the match. Thus, a long "chase" was most sought after. (Gillmeister, 1997)

² See also, for example, Gillmeister's (1997) cultural history of tennis.

³ Hereafter called the CIFP.

⁴ For a brief overview of different conceptions of "fair play" see Butcher and Schneider (1998) and Wigmore and Tuxill (1995).

⁵ Hereafter called the IAAF.

⁶ For a summary see Statman (1997), chapter 1, pp8-10.

⁷ McNamee's (1998) account of trust and the virtuous coach explores the limits of rule based ethical theories underpinning sporting codes of conduct.

⁸ The on-field umpire in cricket may call on the "third umpire" to check a video replay to see whether a batter has been run out or whether the ball was caught or whether it touched the ground first. In rugby the referee may call on the "third umpire" to check the video replay to confirm whether or not a try has been scored.

⁹ Netcord judges touch the edge of the top of the net to "feel" netcords.

¹⁰ See also, for example, research by Knoppers, Schuitman and Love (1988) in which they develop a questionnaire about the values of winning, playing well and playing fair in order to determine the extent to which the emphasis on winning existed in junior tennis players.

¹¹ See also Brohm (1978) and Rigauer (1981).

¹² Hereafter called the ICSSPE.

¹³ See O'Neill (1993) for a broad overview of Kantian ethics.

Chapter 4

To what extent can Rawls's method of "reflective equilibrium" contribute to decision-making in elite male tennis?

4.1 Introduction

In our review of the literature on "fair play" in chapter 3 we argued that understanding "fair play" simply in terms of the ethos of games does not morally justify one interpretation of the ethos of a game over another. We concluded that in order to ensure an ethos has normative force we need to develop a method that allows us systematically and critically to view the ethos to which it is suggested we adhere to in order to justify that particular ethos or interpretation of the game. Thus, the aim of this chapter is to determine *how* we ought to select the criteria to justify technical and technological innovations that will benefit the practice of elite male tennis while simultaneously safeguarding its integrity. We explore Rawls's (1971) method of "reflective equilibrium" as a possible decision-making method for the rational evaluation of technical and technological innovations in elite male tennis. The structure of the chapter is as follows.

First, we outline the theoretical basis of Rawls's (1971) method of "reflective equilibrium". Secondly, we appropriate the method of "wide reflective equilibrium" and contextualise it in terms of a recent technical innovation in elite male tennis, the new tennis seeding procedure introduced at the 2001 Wimbledon championships. Then we discuss critically the objection that "wide reflective equilibrium" disregards the diversity and the moral importance of the different cultures in which people live. We conclude that although "wide reflective equilibrium" is a praiseworthy procedure for evaluating technical and technological innovations in elite male tennis it is too "thin" a method since it disregards the diversity and the moral importance of the different cultures in which people live in general and tennis more specifically. We begin, then, by outlining Rawls's method of "reflective equilibrium".

4.2 The method of “reflective equilibrium”

According to the dominant conception of moral theory, moral theories are abstract structures that organise agents, actions, or outcomes into suitable categories (Jamieson, 1993). These categories, explains Jamieson, include virtues and vices, right and wrong, permitted and prohibited, good and bad, best and worst, and supererogatory and obligatory. Outcomes are graded in accordance with their goodness, actions with their rightness, and agents with their virtuousness. Jamieson explains that each theory understands different categories to be primary. Utilitarianism, for instance, understands the goodness of outcomes as primary and from this develops accounts of the rightness of actions and the virtuousness of agents¹. By contrast, deontology understands the rightness of actions as primary and from this develops accounts of other categories that it understands to be morally relevant or augments it with accounts of other categories². According to the dominant conception, the task of moral theorists is to make specific moral theories clear, to explain their universality, and to make plain their coercive power by scrutinising arguments, considering evidence, and examining logical relationships (Jamieson, 1993). This conception can be linked to John Rawls’s (1971) account of *A Theory of Justice*³. Rawls aims to create a moral theory that is both explicit and universal. To facilitate this he aims to identify the principles that govern theory construction. In ethics, coherentism is currently the dominant method for theory construction (Jamieson). Coherentism can be broadly characterised as “the view that beliefs can be justified only by their relation to other beliefs” (Jamieson, 1993:482). The leading form of coherentism is Rawls’s method of “reflective equilibrium”. We describe his method below in the context of his theory of “justice as fairness”

4.2.1 The “original position” and the “veil of ignorance”

At the core of Rawls’s (1971:12) theory of “justice as fairness” are the “original position” and the “veil of ignorance”. According to Rawls, in order for society to be organised in a just or fair way we must try to imagine the principles that would be agreed to by people who were deprived of certain information about themselves. The principles of justice that emerge from this exercise are to be

understood as a hypothetical contract between people who are ignorant of certain features of their particular situation and beliefs. These principles of justice are to regulate the allocation of rights and duties and the distribution of social and economic advantages. The idea is that if people are ignorant of who they are in society then it is rational that the principles they choose to regulate their society are fair or just. We explore now what it is that the “veil of ignorance” excludes and why Rawls believes we ought to consider people as ignorant in this way when thinking about justice.

The aim of Rawls’s (1971) “original position” is to model the sense in which it is appropriate, when we are thinking about justice, that people should be considered as free and equal. In terms of equality, Rawls explains that people in the “original position” have no knowledge of their social position in society. Neither do they have knowledge of their own talents or natural endowments. The idea is that when we think about justice, these differences should be immaterial and that people should be considered to be equal. Thus, by withholding certain knowledge from people in the “original position” about their social circumstances and natural endowments Rawls is trying to ensure that the principles people agree to are not distorted by the inequalities that exist in real life that might lead to biased distributive outcomes.

In terms of freedom, Rawls (1971) explains that a person’s conception of the good is their set of beliefs about how they should live their lives in terms of what makes their lives worthwhile. We might say that people who dedicate their lives in a quest for excellence in playing elite tennis have a different conception of the good from people who dedicate their lives to writing books. When Rawls states that those in the “original position” have no knowledge of their conceptions of the good he means they have no knowledge of what their beliefs are about how they should live their lives. According to Rawls, the connection between ignorance of conceptions of the good and freedom is clear. People in the “original position” are motivated to frame, change, and rationally to follow their own particular conceptions of the good. He believes that what is significant, however, is not the actual conceptions of the good that people have. Rather, he believes that what counts is that people have the freedom to choose their own

conceptions of the good and to alter their choices if that is what they wish. Thus, by denying people in the “original position” knowledge of their beliefs about what they believe might make their lives worthwhile Rawls is claiming that, where justice is concerned, the idea that people ought to have the freedom to make their own choices and to change their minds ought to be prioritised over conceptions of the good. Thus, according to Rawls, people in the “original position” who are denied knowledge of their social position, talents and endowments, and are motivated rationally to follow their own particular conceptions of the good, would agree to the following two principles of justice to regulate their society. The first principle is that:

Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all. (Rawls, 1971:302).

The second principle is that:

Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity. (Rawls, 1971:302)

According to Rawls (1971), these two principles regulate institutions where fundamental rights, liberties, opportunities and equality are concerned. Together, these principles (with the first having priority over the second) regulate the basic institutions that realise these values.

4.2.2 “*Reflective equilibrium*”

Rawls (1971) developed the method of “reflective equilibrium” as one way of justifying the “original position”. He explains that the “original position” is justified if the principles that would be chosen match our “considered convictions” of justice or extend them in an acceptable way (Rawls, 1971:19). The idea is to choose our strongest and surest moral convictions as the *provisional* fixed points and then work backwards to the principles that would

justify such intuitions. We are sure that slavery is wrong, for instance, and justify this conviction by referring, say, to the notion of the basic equality of all people. In this way, he explains, we develop a set of consistent principles that, along with knowledge of circumstances, lead us to make the judgements we do for the reasons we make them. He explains that we then try to apply such principles to everyday circumstances where our intuitions are unclear and uncertain. We then identify whether the principles we have arrived at yield acceptable outcomes in these more complex cases, always being ready to revise our original intuitions on the premise that they may be distorted or irregular. And so:

By going back and forth, sometimes altering the conditions of the contractual circumstances, at others withdrawing our judgements and conforming them to principles, I assume that eventually we shall find a description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgements duly pruned and adjusted. This state of affairs I refer to as reflective equilibrium. (Rawls, 1971:20)

There is an important distinction to be made between two kinds of “reflective equilibrium” implicit in this description that Rawls (1974/75:8) refers to explicitly in a later paper as “narrow” and “wide reflective equilibrium”. Daniels (1996), who strongly advocates the Rawlsian “method of “wide reflective equilibrium” as a theoretical account of justification in ethics *and* as a procedure that can help to resolve moral problems at different levels of theory and practice, explains the difference between “narrow” and “wide reflective equilibrium” in the following way. “Narrow reflective equilibrium” is:

... the process of working back and forth between our moral judgments about particular situations and our effort to provide general reasons and principles that link those judgments to ones that are relevantly similar. (Daniels, 1996:1)

Thus, there is a “narrow reflective equilibrium” when a person is presented with only those descriptions that more or less match his or her existing judgements, and sometimes principles, save for negligible differences. Daniels (1996) explains that “wide reflective equilibrium” builds on the method of “narrow

reflective equilibrium” since we must demonstrate why it is reasonable to possess the principles and beliefs that capture our considered judgements in “narrow reflective equilibrium” not just that we happen to do so. In order to do this he explains that we must increase the range of justificatory beliefs. Daniels characterises the Rawlsian method of “wide reflective equilibrium” thus:

Seeking wide reflective equilibrium is thus the process of bringing to bear the broadest evidence and critical scrutiny we can, drawing on all the different moral and nonmoral beliefs and theories that arguably are relevant to our selection of principles or adherence to our moral judgments. (Daniels, 1996:1-2)

The Rawlsian method of “wide reflective equilibrium” is:

... an attempt to produce coherence in an ordered triple of sets of beliefs held by a particular person, namely (a) a set of considered moral judgments, (b) a set of moral principles, and (c) a set of relevant background theories. (Daniels, 1979:22)

Daniels (1979:22) explains that we start by bringing together the person’s “initial moral judgements” and “filter” or screen them so that we are left only with those that the person is relatively sure of and that have been made in circumstances more likely to avoid errors of judgement. For instance, the person believes him or herself to be composed and to have sufficient information about the cases being judged⁴. We then suggest other sets of moral principles that have different degrees of “fit” or match with the moral judgements (Daniels, 1979:22). Daniels points out that we do not merely go along with whatever happens to be the best fit of principles with judgements since this would provide us with only a “narrow equilibrium”. Rather, we draw on philosophical arguments meant to demonstrate the strengths and weaknesses of alternative sets of principles. He explains that these arguments can be understood as inferences from some set of relevant background theories. We are to assume that one set of arguments wins and that the person is persuaded that one set of principles is more acceptable than any other. We can picture the person working back and forth, making adjustments to his or her considered judgements, moral principles, and background theories. By doing this, the person reaches an equilibrium point that comprises the ordered triple of sets of beliefs they hold.

Daniels (1979) elaborates on the notion of independent support for moral principles. He explains that we need to ensure that a person's set of background theories shows that their set of moral principles are more acceptable than alternative principles independent of the match between their set of moral principles and their set of relevant considered moral judgements. If they are not independently supported then there does not seem to be any advantage over the support the principles would have had in a "narrow equilibrium" where there is no appeal to background theories. This can be resolved, according to Daniels, if we require background theories to be more than simply reformulations of the same set of considered moral judgments involved when the principles are matched to moral judgments. In other words, the scope of background theories should extend further than the range of the considered moral judgments. He refers to Rawls's (1971) theory of justice to illustrate his point.

According to Rawls (1971), philosophical argument leads us to accept the contract apparatus and its constraints as a reasonable device for choosing between different conceptions of justice or right. Daniels (1996) believes these philosophical arguments can be understood as inferences from a variety of relevant background theories that consist mainly of a theory of the person, a theory of procedural justice, general social theory, and a theory of the role of morality in society. It is these background theories, Daniels claims, which convince us to accept the Rawlsian contract apparatus and all its formal constraints.

Underpinning the method of "wide reflective equilibrium", then, is the idea that we "test" different parts of our system of moral beliefs against our other beliefs, searching for coherence between the broadest set of moral and non-moral beliefs by adjusting and refining them at all levels (Daniels, 1996:2). It is this combination of bringing together the broadest evidence and critical scrutiny that is the appeal of "wide" rather than "narrow reflective equilibrium". In sum, the idea is that since the method of "wide reflective equilibrium" requires that we consider a broad range of evidence it is more likely that we can resolve what we had believed to be irresolvable problems and difficulties. Having outlined the

theoretical basis of the method of “wide reflective equilibrium”, in the following section we appropriate the method and contextualise it in terms of the evaluation of technical and technological innovations in elite tennis. We focus in particular on the new seeding procedure introduced at the 2001 Wimbledon championships.

4.3 Tennis seeding

Seeding is the insertion of selected players in specific places in the tournament draw in order to prevent the higher ranked players from meeting until the later stages of the tournament. It was first implemented at the 1922 United States National championships. The procedure was introduced by the AELTC at the 1924 Wimbledon championships. Each country was invited to name up to four players in the singles and two pairs in the doubles who were then drawn to appear in different quarters of the draw. It was not until 1927 that seeding on merit was introduced with selected players being placed in set positions. (LTA, 1998). Almost all of the premier tennis tournaments seed players consistent with the ATP Tour’s Entry System Position that ranks players according to how they have performed in tournaments over the preceding year⁵. By contrast, the AELTC has traditionally seeded players according to the criteria laid down by their own Seedings Committee. The committee seeds according to a player’s grass-court pedigree, taking into account their previous record on grass. Thus, some players who ordinarily would not be seeded so highly or perhaps not be seeded at all, benefit from this system. In order to make room in the seedings, however, other players, often clay-court specialists, are seeded below their rankings or are not seeded at all⁶.

In recent years many clay court specialists such as Gustavo Kuerten (2001, quoted in BBC Sport, 2001c), who was ranked number one in the world for much of the first half of 2001, have argued that they “don’t think Wimbledon respects the players. What they do is not fair”. They argue that the Seedings Committee is unfairly biased in favour of grass court specialists, which happens to include two British players, Tim Henman and Greg Rusedski, disregarding the otherwise universally recognised Entry System Position (BBC Sport, 2001c). They also argue that since the ATP requires them to play in all four of the Grand Slam⁷

tournaments if their ranking is high enough, the ATP should ensure that all the Grand Slams adhere to the Entry System Position (BBC Sport, 2000). As well as the players' concerns there is also increasing pressure to reform the seedings from the ATP, players' agents, sponsors, and, perhaps most significantly, commercial television companies, who would like to reduce the possibility of seeded players being eliminated in the early rounds of the tournament⁸ (Bierley, 2001).

Thus, in the weeks preceding the 2001 Wimbledon championships, on one side we have the ATP and the players themselves, the vast majority of whom believe the seedings ought to be consistent with the Entry System Position. On the other side we have the AELTC who would like to continue their own particular "seeding by surface" policy whereby the distinctive demands of grass courts and previous results on grass are taken into account. On 11th June 2001 the Grand Slam Committee, the members of which are one representative from each of the four Grand Slam tournaments, issued a press release that they had agreed unanimously to double the number of seeds from 16 to 32 for the men's and women's singles events at all Grand Slams starting with the 2001 Wimbledon championships (Grand Slam Committee, 2001). They also announced their unanimous commitment to the ATP Tour Entry System Position and the WTA Tour rankings as the source for deciding the 32 players to be seeded. Each Grand Slam then rearranges the top 32 players according to its own objective surface-based system to determine the exact position of the players⁹. Having outlined the seeding situation at the 2001 Wimbledon championships we illustrate now how Tim Phillips, the Grand Slam Committee member representing the AELTC and the Wimbledon championships, ought to have arrived at the new seeding structure using the method of "wide reflective equilibrium".

4.3.1 "Wide reflective equilibrium" in practice

Tim will begin the task of building a moral theory believing specific moral propositions. These are his set of "initial moral judgments". In terms of elite male tennis let us assume that he believes that seeding at the Wimbledon

championships should take into account players' grass court credentials so that there is a balanced draw that more evenly distributes the best players on that particular surface. He also believes the "wisdom" of the Wimbledon Seedings Committee, of which he is a member, is the fairest way to decide the seedings. He also believes since the Seedings Committee has always decided the seedings there is no reason why that needs to be reviewed now. At the first stage of the method he must weed out various dubious beliefs in his set of "initial moral judgements" in order to obtain his initial set of "considered moral judgements". Let us assume that he now disregards as dubious his initial belief that since the Seedings Committee has always decided the seedings there is no reason why that needs to be reviewed now.

At the second stage of the method Tim puts together a set of "moral principles", or a moral theory, to explain the beliefs in his set of "considered moral judgements". This is his first attempt to explain his set of "moral principles". According to Loland (2002), the broad institutional goal of sport competitions is to measure, compare and rank competitors according to the performance of athletic skills. It seems reasonable that we might accept a "fairness norm" (Loland, 2002:144) that elite male tennis players are measured, compared and ranked accurately and reliably. Let us assume that included in Tim's set of "moral principles" is the principle that the method of determining the seedings ought to be as objective and transparent as possible in order to be fair to all the players. According to Loland, good sport competitions depend on the realisation of experiential values, such as excitement, challenge, and fun, by all the parties concerned. It seems reasonable that we might accept a "play norm" (Loland, 2002:144) that elite male tennis players and spectators are given as many opportunities as possible to realise the experiential values of the game. Let us also assume that Tim's set of "moral principles" includes the principle that a good seeding method ought to ensure that the experiential values of the players and spectators are protected.

If Tim's set of "considered moral judgements" and his set of "moral principles" do not cohere then he must make some adjustments. Suppose, for instance, he recognises that one of the principles in his set of "moral principles", that the

method of determining the seedings must be objective and transparent in order to be fair to all the players, conflicts with one of his "considered moral judgements", that the "wisdom" of the Wimbledon Seedings Committee is the fairest way to decide the seedings. Let us suppose Tim comes to the decision that it is the "considered moral judgement" rather than the "moral principle" that must be rejected. He has considered the arguments put forward by the players, the ATP, and so on, he now acknowledges that however hard the Seedings Committee tries, however honourable their intentions might be, the subjective nature of the current system and the fact that it is carried out "behind closed doors", will always be open to misintepretation. Tim now believes that in order to be fair to all players, and in order to be seen to be fair to all players, the process must be objective and transparent. The set of moral propositions remaining after he has eliminated the "Wimbledon wisdom" "considered moral judgement" are now his revised set of "considered moral judgements". It is doubtful that only one adjustment will bring his beliefs to a point of "narrow reflective equilibrium" so he may need to make many adjustments and readjustments in both his "considered moral judgements" and "moral principles" in order to achieve coherence between them. He will thus proceed through a succession of pairs of sets of "considered moral judgements" and "moral principles" before reaching a point of "narrow reflective equilibrium".

It is at the third stage of the method that Tim will move on to a point of "wide reflective equilibrium" by considering alternative moral theories and trying to develop philosophical arguments that will decide between them. These arguments are based on the relevant "background theories" he believes in including a theory of the person, a theory of procedural justice, general social theory, and a theory of the role of morality in society. In order to achieve coherence Tim must again adjust some of his "considered moral judgements" and his "moral principles" as well as the background beliefs he started with. Thus, he must move through a further succession of sets of beliefs, to reach a point of "wide reflective equilibrium". Let us assume, for example, that Tim considers the Rawlsian understanding of the role of morality in society. Included in this is the ideal of a well-ordered society that specifies that society members are, and see themselves, as both free and equal moral persons (Rawls, 1974).

Tim is moved to the view that in order for the principles he holds to model the freedom and equality of people, the AELTC ought to adopt the ATP Entry System Position since it represents those players who have earned the right to be seeded. This is his new “considered moral judgement”. Tim then adjusts his “moral principles” accordingly to include the new principle that the seeding method must respect the players’ rights.

This characterisation of events is clearly analytical. Specifically, the temporal division of “narrow” and “wide reflective equilibrium” is imprecise since it is more accurate to describe them as two separate methods. “Narrow reflective equilibrium” is not a stage to pass through *en route* to “wide reflective equilibrium”. Someone trying to arrive at a point of “wide reflective equilibrium” would almost certainly bring their “background theories”, “considered moral judgements” and “moral principles” into play very early on. Nevertheless, the characterisation has gone some way to illustrate how the method of “wide reflective equilibrium” might operate in the context of technical and technological decision-making in elite male tennis. There are a number of objections to Rawls’s (1971) “original position”, however, one of which we can relate to the method of “wide reflective equilibrium” as a procedure for evaluating technical and technological innovations in elite male tennis. The objection is that the “original position”, and hence “wide reflective equilibrium”, disregards the diversity and the moral importance of the different cultures in which people live generally. The question this raises is whether “wide reflective equilibrium” is both a fair and a good method for evaluating technical and technological innovations in elite male tennis.

4.4 The diversity and moral importance of different cultures

In terms of the extent to which “wide reflective equilibrium” can contribute to the evaluation of technical and technological innovations in elite male tennis we can see that there are some benefits to be had from using the method. We explore these benefits here.

4.4.1 *Clarification, systematic, and democratic*

First, whilst Raz (1982) has a number of misgivings concerning the significance and value of the method of “reflective equilibrium” he does acknowledge that the process can make people more conscious of the implications of the views they already possess. He accepts that our firm beliefs may assist us in making decisions about cases we are uncertain about, and going through the process of “reflective equilibrium” may help us to see how. As Rawls (1971) notes in reference to the principles adopted in “reflective equilibrium”:

... in cases where our present judgments are in doubt and given with hesitation, these principles offer a resolution which we can affirm on reflection. (Rawls, 1971:19)

We are sure, for instance, that religious bigotry and racial discrimination in elite male tennis are unjust. We think we have considered these issues carefully and have arrived at what we believe is an impartial judgement that is unlikely to be distorted by too much attention to our own interests. These convictions are provisionally fixed points that we assume any conception of justice ought to fit.

By contrast, we may be much less sure about, say, the correct locus of authority in elite male tennis. Now we may be searching for a way to eliminate our uncertainties. In terms of the seedings example above, going through the process of “wide reflective equilibrium” perhaps enabled Tim to become more aware of the implications of the way in which seeding “behind closed doors” by a private committee was being perceived negatively by the players, the ATP, the media, the public, and so on. Perhaps he acknowledged that the old system of choosing the seedings was inevitably subjective and therefore vulnerable to the charge by some players, particularly clay court specialists, that the Seedings Committee favoured British players or the Wimbledon crowd’s “favourites” such as Patrick Rafter¹⁰ and Goran Ivanisevic. It is this line of thinking that perhaps enabled him to be clearer about where the correct locus of authority in elite male tennis ought to lie, at least where the seedings are concerned. Rather than having the ultimate authority on seeding players at the Wimbledon championships lying in the hands of a Seedings Committee completely internal to the AELTC he came to realise

that the correct locus of authority ought to lie in the hands of a more neutral body, the Grand Slam Committee, membership of which is made up of one person internal to the AELTC and one representative from each of the other three Grand Slam tournaments. It is in this way, then, that the process of searching for "wide reflective equilibrium" has the potential to contribute to the evaluation of technical and technological innovations since "it serves as a means of public reflection and self-clarification" (Rawls, 1996:26).

We can also see that, following Daniels (1979), the structural complexity of the search for "wide reflective equilibrium" may be able to contribute to moral inquiry. As our seedings example above illustrates, by going through the process of "wide reflective equilibrium" we are compelled to see that moral theories have a more complex structure than the conventional two-tiered view of principles and judgements. "Wide reflective equilibrium", then, may uncover a more systematic, albeit complex, structure to the origins of disagreement within elite male tennis and, just as significantly, to the origins of agreement as well.

There is a sense also in which the method of "wide reflective equilibrium" is also "democratic" (Tersman, 1993) as nothing is exempt from revision when someone honestly or genuinely goes through the process. A person who goes through the process of making revisions among their beliefs by "going back and forth" in order to reach coherence illustrates that no belief is considered to be justified independent of its relations to their other beliefs or judgements. As the seedings example outlined above illustrates, any belief, if we find that it conflicts with our other beliefs, or that a belief that conflicts with it is better supported by our other beliefs, may need to be rejected.

In sum, going through the process of "wide reflective equilibrium" does seem to have the potential to make a contribution to the fair evaluation of technical and technological innovations since it can clarify, and is both systematic and democratic, where democratic is understood to denote inclusive. It can help people clarify the implications of their views. It offers people a systematic way of considering issues. It is democratic since nothing is exempt from revision. Nevertheless, Rawls's (1971) method of "reflective equilibrium" in general, has

been extensively criticised. Hare (1973) and Singer (1974), for instance, object to the reliance on our initially held considered moral judgements, arguing that this is both subjectivist and intuitionist. More recently, Haslett (1987) and Little (1984) have objected that maximising coherence between our considered moral judgements need not lead to truth. Communitarians, including Walzer (1983), MacIntyre (1985), Taylor (1989), and Sandel (1998), amongst others, have also been critical of Rawls's theory of justice and it is to some of their criticism that we now turn to in order to illuminate further the potential of the method of "wide reflective equilibrium" as a way of morally justifying one interpretation of the ethos of elite male tennis over another.

4.4.2 Universal and cross-cultural

An important element of communitarian thought, exemplified by Walzer (1983), focuses on the belief that liberalism fails to pay attention to cultural particularity, to the ways that different cultures exemplify different values and different social forms and institutions. We can see why Walzer thinks this is the case. Rawls's (1971) "original position" entails abstracting from particularity since the people behind the "veil of ignorance" are deprived of information about their own social position, what their society is like, and their own beliefs about how they ought to live their lives. Rawls is trying to identify ways in which we are all the same underneath, to characterise people in a way that separates them from what it is that makes real people different from each other. Thus, it is not unexpected that he has been understood as ignoring the diversity and the moral importance of the different cultures in which people live. The question is, then, whether Rawls's theory of "justice as fairness", and hence, "wide reflective equilibrium", is meant to be applied universally and across cultures, and if it is, what the implications are for evaluating technical and technological innovations in elite male tennis. We argue here that "wide reflective equilibrium" promotes an understanding of a culture as simply a cooperative project for the search for individual gain; as a fundamentally private association created by individuals whose interests are defined independently of the community they are members of.

In chapter 2 we outlined MacIntyre's (1985) thesis that rational and objective moral evaluation hinges on situating individuals and their disputes with other individuals within a framework of inherently social environments. According to MacIntyre, if we fail to acknowledge the way in which people can be, and are, constitutively connected to their communities, we cannot provide a coherent account of the situation necessary to realise any sort of human good. Without such constitutive communal frameworks, he argues, the notion of a rational morality is impossible. For MacIntyre, all human goods originate from within a framework of overlapping communal practices and traditions. Thus, the notion that there is an ahistorical, timeless method of practical reasoning to which everyone can commit, such as "wide reflective equilibrium", would be incomprehensible to him. Rawls (1995, quoted in Daniels 1996:145) confirms that the focus of "wide reflective equilibrium" is on the individual carrying out a philosophical task thus:

TJ [*Theory*] does not address persons as citizens but rather as individuals trying to work out their own conception of justice as it applies to the basic political and social institutions of democratic society. For the most part their task is solitary as they reflect on their own considered judgments with their fixed points and the several first principles and intermediate concepts and the ideals they affirm. TJ is presented as a work individuals might study in their attempt – admittedly never fully achieved and always to be striven for – to attain the self-understanding of wide reflective equilibrium. (*emphasis thus*)

The precise content of justice as fairness is therefore made determinate through the process of "wide reflective equilibrium" which we are all invited to take part. As Daniels (1996:161) puts it: "All of us are, in effect, put in the driver's seat for purposes of theory construction and justification". We are all in this position since it is all "our" considered moral judgements in "wide reflective equilibrium". It seems, then, that "wide reflective equilibrium" is intended to be universal and cross-cultural since everyone can, and is entitled to, participate in the process. Thus, in terms of evaluating technical and technological innovations in elite male tennis it seems as though decisions may lie in the hands of anyone who cares to participate in the debate. This may include economists, industrialists, politicians, medical practitioners, the clergy, the military,

criminals, and so on. There does not seem to be any reason why any of these groups cannot be excluded. Yet, it is questionable whether they ought to be included in the debate since their experience or knowledge of elite male tennis is likely to be very limited in terms of their understanding of the ethos of the game of tennis, its internal goods, traditions, rituals, histories, and so on. Their understanding of what constitutes a good game of tennis, for instance, is likely to be limited since they are likely to have little or no experience or knowledge of the internal goods of the game. Similarly, their lack of connection to the practice of elite male tennis is likely to limit their awareness of the kinds of technical and technological developments that have already been introduced throughout the history of the game. Thus, while the method of "wide reflective equilibrium" is praiseworthy since it is a fair procedure (both democratic and inclusive), it is too "thin" a method to evaluate technical and technological innovations in elite male tennis since it may not be the case that everyone who wants to ought to engage in the debate. Rather, the question is whether there are authoritative voices that ought to decide how the future of the game develops.

The normative account of "fair play" in elite male tennis we developed from MacIntyre's (1985) thesis in chapter 2 emphasised that decisions ought to be made by those who have relevant experience or knowledge of the practice of elite male tennis. Thus, a preliminary conclusion is that it would seem to make sense that only those people who are involved in elite male tennis, who have experience and knowledge of the ethos of the game, its internal goods, traditions, rituals, and so on, ought to be involved in the evaluation of technical and technological innovations. They seem to be the authoritative voices in elite male tennis since the question is not:

What would rational individuals choose under universalising conditions of such and such a sort? But rather, What would individuals like us choose, who are situated as we are, who share a culture and are determined to go on sharing it? (Walzer, 1983:5)

Those who have experience or knowledge of elite male tennis are best placed to determine how the future of the game ought to develop since, according to

Walzer's (1983:314) thesis: "We are (all of us) culture-producing creatures; we make and inhabit meaningful worlds" by giving the natural world and inanimate objects significance and value. In other words, meanings and values are irreducibly communal and cannot be created by individuals by themselves. Walzer argues that the distribution of goods cannot be determined separate from an understanding of the particular meanings of those goods, and those meanings are inherently social in the sense that they are created by and derived from the community and its practices and institutions rather than by the actions of any individual. We will return to Walzer's thesis and the question of authoritative voices later in the thesis.

4.4.3 *Undemocratic*

We have acknowledged that the method of "wide reflective equilibrium" is democratic yet there is also a sense in which its focus on individuals reaching their own individual decisions rather than communities reaching shared decisions is undemocratic. We argue, following Walzer (1981), that advocating people to disconnect from social meanings and thus from the particular community they are members of, gives insufficient respect to the views of that community. Walzer argues that the "original position" is an attempt to attain an objective perspective that provides the conclusions reached with the status of truth. It is in this sense that he believes abstraction is undemocratic since people must disconnect from their particular time and situation, and from the accepted ways of thinking that prevail in their culture, in order to try to attain an objective perspective. For Walzer, however, democracy is not about truth since the justification of democratic government is that it generates decisions that represent the will of the people rather than necessarily generating the right decisions.

Thus, the idea is not that Tim Phillips is able to use the method of "wide reflective equilibrium" in order to discover what *the* fair seeding structure is. Rather, he is simply to debate with others in the community of elite male tennis and try to reach an agreement about what they consider to be the best interpretation so far of what a fair seeding structure looks like. They do this,

following MacIntyre (1985), by referring to the key texts and historical precedents of the game. They could, for instance, consider the way in which other tournaments, particularly Grand Slam tournaments, currently structure their seeding. They could also consider the way seeding structures have evolved throughout the history of the game in order that any new innovation would take into account a sense of continuity and thus stability. They could trawl through the media archives, both written and visual, in order to see how players, tennis television commentators, sports writers, the ATP, spectators, and so on, view the Wimbledon championships seedings structure. What we are objecting to, then, is the way in which "wide reflective equilibrium" fails to consider cultural particularity since it involves the attempt to transcend the "conventions, traditions, and expectations" (Walzer, 1981:394) of communities. For as Walzer (1981) puts it:

... any historical community whose members shape their own institutions and laws will necessarily produce a particular and not a universal way of life. (Walzer, 1981:395)

We saw in chapter 2 that, following MacIntyre's (1985) account, the narrative life history of members of traditions is embedded in the larger narrative of a historically and socially extended discussion about what the good life for human beings is. Thus, the way in which the contemporary rules and regulations of tennis have evolved to their current state is a consequence of a continuous debate between the members of the communities of elite male tennis as to what constitutes a good or a well-played game of tennis. The search for a universal point of view and a single right answer to the seedings structure, then, does not confer proper significance on the values and practices of particular communities. It is the universal nature of "wide reflective equilibrium" that overlooks the significance of community. Thus, following Walzer (1981), if we are not faithful to the various ways in which different cultures understand the different goods and distributive principles that constitute their social world we are being undemocratic in the sense that we would be failing to respect those whose understandings they are.

4.4.4 *Individuals and their interests*

What is also significant about the method of “wide reflective equilibrium” is that if there is nothing that ties or binds together the people involved in the evaluation of the seedings structure then there does not seem to be any reason why they cannot reach a decision based on their own particular interests. Suppose, for example, someone representing a commercial television company is involved in the evaluation of the Wimbledon championships seedings structure. There does not seem to be any reason why the method of “wide reflective equilibrium” could not be used simply to clarify in a systematic way which seedings structure would be in the particular interests of the television company. We noted earlier that commercial television companies would like to reduce the possibility of seeded players being eliminated in the early rounds of Grand Slam tournaments. It is in the interests of commercial television companies for the top players to get through to the second week because the top players draw the biggest viewing audiences, thus allowing the television companies to charge sponsors and advertisers premium rates. Thus, someone representing a commercial television company would be likely to favour a 32 seed format since this would ensure that the top players would not have to play someone ranked higher than 33 until the first Friday¹¹ of the tournament at the very earliest.

Thus, whilst the method of “wide reflective equilibrium” can help clarify views, and is both systematic and democratic, where democratic is understood to denote inclusive, there is nothing in the method that requires those involved in the evaluation of technical and technological innovations to consider the internal goods, practices and traditions of elite male tennis, and that decisions ought to be made by those who have relevant experience or knowledge of the game. We are arguing, then that the method of “wide reflective equilibrium” encourages us to view the structure of society in a particular way. As MacIntyre (1985) puts it, according to Rawls:

... a society is composed of individuals, each with his or her own interest, who then have to come together and formulate common rules of life. (MacIntyre, 1985:250)

Thus, individuals are:

... primary and society secondary, and the identification of individual interests is prior to, and independent of, the construction of any moral or social bonds between them. (MacIntyre, 1985:250)

Yet, following MacIntyre (1985), the notion that entry into society is a voluntary act by rational individuals with prior interests completely rules out the possibility that society is a community whose main bond is a shared understanding of the good for humans and of the good of that community, within which people identify their primary interests by referring to those goods. For:

Rawls explicitly makes it a presupposition of his view that we must expect to disagree with others about what the good life for man is and must therefore exclude any understanding of it that we may have from our formulation of the principles of justice. (MacIntyre, 1985:250)

It is this conception that neglects the way in which it is the particular kind of society that people live in that has an effect on the understandings they have of themselves and of how they ought to live their lives. Thus, if those involved in the evaluation of technical and technological innovations in elite male tennis do not have a shared communal understanding of what the good of elite male tennis is, their deliberations cannot be rational or objective. Yet, the method of "wide reflective equilibrium" disregards the ethos of elite male tennis, its internal goods, practices and traditions, and that decisions ought to be made by those who have relevant experience or knowledge of the practice of elite male tennis. In other words, the method of "wide reflective equilibrium" disregards the diversity and the moral importance of the cultures in which people live in general and tennis more specifically.

4.5 Conclusion

We conclude that whilst "wide reflective equilibrium" is a praiseworthy procedure for evaluating technical and technological innovations it is too "thin" a method since it disregards the diversity and moral importance of the different

cultures in which people live generally and tennis more specifically. The universal and cross-cultural nature of the method of "wide reflective equilibrium" disregards the way in which people are dependent on their culture for the way in which they think about themselves and how they ought to live their lives. The method promotes an understanding of a culture as simply a cooperative project for the search for individual gain; as a fundamentally private association created by individuals whose interests are defined independently of the community they are members of. Thus, the method of "wide reflective equilibrium" is too far removed from the practice of elite male tennis, its ethos, histories and traditions, to have any normative force. It follows that the method of "wide reflective equilibrium" will not be able to justify morally one interpretation of the ethos of elite male tennis over another, and thus is neither a good nor a fair way to evaluate technical and technological innovations.

Nevertheless, we acknowledge that some aspects of the procedure of searching for "wide reflective equilibrium" may be able to contribute to the evaluation of technical and technological innovations in elite male tennis to a certain extent since the procedure can help clarify issues, and is both systematic and democratic, where democratic is understood to denote inclusive. We will return to this idea later in the thesis. We introduced the idea in this chapter that there may be authoritative voices in elite male tennis that ought to be involved in the evaluation of technical and technological innovations in the game. In the following chapter we explore further this idea by considering *who* ought to decide what is best for tennis in terms of its evolving traditions and competing styles of play. We explore the idea that we can reach a rational consensus based on Rawls's (1987) idea of an "overlapping consensus".

¹ See Pettit's (1993) exploration of the arguments for and against consequentialism.

² See Davis (1993) for an overview of contemporary deontological theories of ethics.

³ This conception has also been associated with other contemporary philosophers such as Brandt (1979) and Parfit (1984).

⁴ This is not to say, however, that if we are, perhaps, agitated or morally indignant, we cannot make sound judgements. Further, there may be a gap between a person believing they have sufficient information about a case and actually having sufficient information.

⁵ Explicitly:

Seedings and direct entry are calculated by looking at players' overall standings in the game via a 52-week rolling system based on players' best 18 results (ie, they have to defend the points they won last year to be worthy of seeding. (Ace, 2001a:74).

⁶ When the seedings were announced prior to the 2000 Wimbledon championships, two highly ranked clay-court specialists, Alex Corretja, ranked number 13 according to the Entry System Position and Albert Costa, ranked number 15, were not seeded by the AELTC Seedings Committee. Both players consequently withdrew from the tournament.

⁷ The four major tournaments that make up the Grand Slam are the Australian Open, Roland Garros (France), Wimbledon, and the US Open.

⁸ In the first round of the 2001 French Open women's event, for example, Venus Williams was beaten in round one, on day one, by Barbara Schett, ranked 24 in the world.

⁹ The objective surface-based system for the 2001 Wimbledon Men's Singles event is as follows:

1. The objective and transparent system for rearranging the top 32 ranked players to take account of their grass court credentials will be to take (ESP) points as at Monday 18 June 2001 then:

- Add points earned for all grass court results in the previous 12 months;
- Add points for his best grass court event 12 months before that (June 1999-2000);
- Add 75% points for his best grass court event from June 1998-99;
- Add 50% points for his best grass court event from June 1997-98.

2. If a player in the top 32 drops out of the event, the 33rd player on the ESP list will replace him.

3. The ATP Entry System Position (ESP) is calculated by aggregating a player's points earned over the previous 12 months at the four Grand Slams (each having double the points of the next highest ranked event); the nine Tennis Masters Series events; and his five next best tournaments. (AELTC, 2001b)

¹⁰ At the 2000 Wimbledon championships, for example, Patrick Rafter was elevated from an ATP Entry System Position of 23 to a number 12 seeding.

¹¹ All Grand Slam tournaments take place over two weeks, starting on a Monday and finishing on the second Sunday after that.

Chapter 5

Practice-communities as deliberative bodies

5.1 Introduction

We concluded in chapter 4 that the Rawlsian method of “reflective equilibrium” is problematic as a method for evaluating technical and technological innovations in elite male tennis. If all the interpretations of how the game might develop are equally to be entertained then it would seem that we ought to listen not just to the views of those involved in or connected to tennis, such as tennis players, officials, spectators, administrators, coaches, and so on, but also to the views of others not connected with the sport, such as the clergy, criminals, mountaineers, truck drivers, nuclear physicists, and so on. Moreover, it would seem that if we were to utilise the method of “reflective equilibrium” we must also listen to what racists, sexists, ageists, homophobics, and so on, have to say. The problem, then, is to determine *who* ought to decide what is best for tennis in terms of its evolving traditions and competing styles of play.

The way in which the power-serving issue in contemporary men’s professional tennis is resolved is crucial, as it will represent a new instantiation of the game. We can ask, however, whose interests are served by technical and technological innovations in elite male tennis. Moreover, is it in the “interests of the game” to allow such innovations? Although serve related technology and/or technical rule changes may serve the interests of the players, the game and the governing body, it is likely that not all of their interests can be met simultaneously. Morgan (1994) believes that for sport to flourish all substantive policy decisions concerning the conduct and reform of sport ought to be determined by practice-communities. He argues that conflict resolution in sport cannot be addressed through Rawls’s (1987:1) model of an “overlapping consensus”. Morgan draws on Lyotard’s (1988) distinction between two kinds of judicial dispute to support his argument. A *differend* is a dispute whereby one of the aggrieved parties becomes a victim because he or she is deprived of the means of presenting their argument. In contrast, a *litige* occurs when both parties concur on the description of the

dispute in addition to the means for solving it. Morgan argues that deliberative processes of practice-communities should aim to change all *differends* into litigations so that the natural force of the superior argument triumphs over the coercive force of political power and social domination. Practice-communities become judicial bodies or critical tribunals that provide an arena for reaching a rational consensus enabling disputes, as to the appropriate character of and conduct in sporting practices, to be resolved.

Our aim in this chapter is to analyse critically Morgan's (1994) conception of the deliberative role played by practice-communities in establishing the limits of sporting practices and the terms of their institutional reform. The structure of the chapter is as follows. First, we explore what is meant by "interests". We follow this by considering different concepts of "interests". Then we show how Lyotard's (1988) concept of a "differend" is incompatible with the resolution of conflicts within the practice-communities of elite male tennis. We also argue that Lyotard's concept of "litigation" is compatible with the idea of an "overlapping consensus". We follow this by describing how an "overlapping consensus" might be achieved in the context of the "Super Tie-Break" in elite male tennis. Finally, we explore two objections to the idea of an "overlapping consensus". These objections are that an "overlapping consensus" is merely a "modus vivendi" and that an "overlapping consensus" prioritises the right over the good. We conclude by agreeing with Morgan (1994) that for sport to flourish all substantive policy decisions concerning the conduct and reform of sport ought to be determined by practice-communities. Contra Morgan, however, we argue that the idea of an "overlapping consensus" is compatible with the idea of the practice-communities of elite male tennis as critical tribunals that can evaluate technical and technological innovations in the game. We begin, then, by exploring what we mean by "interests".

5.2 What is meant by "interests"?

As it is used in modern pluralistic societies:

... "interest" is one of those concepts that connects descriptive and explanatory statements to normative judgment. (Connolly, 1993:46)

If a policy is said to be in the interests of a person or group of persons then it is not only being asserted that the person or persons would benefit from it in some way but that this also provides a reason to support the implementation of the policy. "Interest", then, is a central concept in explaining why x or y policy should be supported. Yet, there are many conflicting accounts of "interest", some of which include: the interests of a person; what is in a person's interests (Peters 1970); the public interest (Benn, 1959-60; Barry, 1964; Peters, 1970); the interests of the game (Butcher & Schneider, 1998); interests as policy preference; utilitarian interests; interests as need fulfilment; and, real interests (Connolly, 1993).

Connolly (1993:46) explains the importance of seeing that in society, "interest" is a concept that links "descriptive" and "explanatory" statements with "normative judgement". Where "normative judgement" is concerned, Connolly (1993:46), paraphrasing Taylor's (1967) suggested link between "interests" and normative appraisal, explains that:

... although to say "x is in y's "interest"" is not *equivalent* to saying it is good, it is one of the licenses for making the *prima facie* judgement that x is good or desirable. (*emphasis thus*)

Another way of seeing the link between "interests" and normative appraisal identified by Connolly (1993), is to note that although the concept of "interests" may be defined in different ways, it is significant that all of these definitions refer, somewhere in their definition, to the wants, choices, and preferences of individuals. These definitions, then, reflect the widespread acceptance of the principle that people ought to be able to act in any way they choose or want unless overriding considerations intervene. Connolly explains that talk about interests carries over the principle that people ought to be able to act in any way they choose or want, into political discourse. In politics, the principle is reinforced as the kind of wants that enter into the meaning of "interests" are

precisely those held to be somehow significant, enduring, basic or fundamental in politics. He believes the disputes between social scientists about where and how conative states such as wants, needs and preferences, are included in the concept of "interests", reflect disputes about which conative states under what conditions merit the normative endorsement "interests" provides. The main debate centres on the two opposing "descriptive" and "explanatory" theories briefly outlined below.

5.2.1 *"Descriptive" theories*

"Descriptive" social scientists believe the "proper" meaning of "interests" in political and social life lies in the descriptive conditions or criteria of the application of "interests". Yet, Connolly (1993) argues that these theories are problematic as one set of descriptive conditions or criteria will lead us to focus on a specific set of conative states created under certain conditions, while other definitions will redirect our focus toward other conditions. Connolly explains that:

The effect of such definitional proposals is to privilege certain actual or potential conative states for purposes of normative appraisal in politics and often to blind us to possible considerations operating outside of those boundaries. (Connolly, 1993:47)

In other words, those who refer to descriptive statements to formulate policies may not be aware of, or perhaps are choosing not to acknowledge, the idea that "interests" shape and determine our normative priorities. Descriptive statements, then, cannot tell us whether a particular technical or technological innovation in elite male tennis would "really" be in the best interests of the practice-communities of elite male tennis, as descriptive statements are distorted in that they are insufficiently grounded in, or connected to, normative judgements. The emphasis is now on conceptual analysis or conceptual exploration (Plant, 1974). The idea, Plant explains, is to try to explain the presuppositions and descriptions in patterns of human activity. We explore this idea below.

5.2.2 *“Explanatory” theories*

Connolly (1993) argues why “explanatory” theories, in contrast to descriptive statements, produce more definite and detailed normative results. The aim of “explanatory” theories is to inform us about what interests the public have and how the political system encourages or discourages some interests. “Explanatory” theories also inform us why and how some people fail to recognise some of their interests, and what the costs might be if some of these unrecognised interests could be revealed and promoted through political pressure. Lastly, “explanatory” theories inform us of the extent to which some of the demands and pressures on the political system do not represent the identifiable interests of the public, rather, they represent their projection of unachievable desires into public arenas. In sum, “explanatory” theories establish the dimensions through which “interests” can vary and by its evaluation of the costs and benefits involved in satisfying particular interests, they tell us how we are to judge. Thus, identifying a defensible concept of “interests” to contribute to resolving the dominance of power-serving in elite male tennis will be more helpful if we keep its normative function in mind. It will help us to understand the extent to which debates about the conditions or criteria of “interests” are a part of the much wider debate about what the structure and content of modern pluralistic societies should be. We explore now more closely some of the normative concepts of “interests” referred to above in order to determine what criteria will justify technical and technological innovations that will benefit the practice of elite male tennis and who ought to decide what is best for elite male tennis in terms of its evolving traditions and competing styles of play.

5.3 Concepts of “interests”

In chapter 3 we explored briefly Butcher and Schneider’s (1998:9) position that “fair play” in sport can be understood as “respect for the game” by suggesting that sports are practices that can have “interests”. Thus, “respect for the game” will involve respect for the “interests of the game (or sport) as a practice” (Butcher & Schneider, 1998:9). At first sight this account of “interests” may be the most

appropriate way to evaluate technical and technological innovations in elite male tennis, as they seem to be implying that whatever is good for the practice (the game of tennis), is good for the members of the practice too. In other words, their account of "interests" seems to be concerned with the social whole. This is similar to Peters's (1970) account of the "public interest" which is also concerned with the social whole. In his thesis on education Peters argues that schools must not only consider the "interests" of children and what is in their "interest" but must also consider what is in the wider "public interest". Butcher and Schneider do not actually explain what they mean, conceptually, by "interests". They discuss briefly the idea that games or practices can have "interests" yet do not consider the place of the interests of individuals and institutions in their understanding. Perhaps we can gain a clearer understanding of what they mean if we examine more closely Peters's account of the "public interest".

Peters (1970) identifies two ideas that are intimated by the concept of the "public interest". On the first interpretation the idea is to pursue the development of policies that do not clearly favour any specific private or individual "interest". There could be no proposals based purely in terms of a "sectional interest" (Peters, 1970:170). In terms of elite male tennis this would mean, for example, forcing the ATP Player's Council¹ (effectively the player's union) to consider the wider "interests" of people in the community other than the "interests" of the professional players whom they represent. On the second interpretation, the idea is to develop policies that are in any person's "interest", whatever shape the individual pursuit of their "interests" may take, such as ensuring the supply of food, health and transport services. In terms of elite male tennis, this might mean the ATP Player's Council would support the development of policies thought to broadly benefit everyone in the whole community such as the development of an "anti-drugs in tennis" policy.

5.3.1 *"Sectional interests"*

If we are to understand Butcher and Schneider's (1998) account of "interests" in terms of Peters's (1970) account of the "public interest" then this raises a problem

for their claim that a practice can have "interests". In terms of the practices of sport, it seems more likely that the "interests of the game as a practice" are better understood in terms of "sectional interests". In tennis there are different "sectional interests" such as elite male tennis players, amateur players, elite female tennis players, administrators, court officials, medical support personnel such as physiotherapists and nutritionists, spectators, racket manufacturers, the sports media, and so on. Although all of these groups of "sectional interests" may at one time or another, depending on the particular issue, share the same "interests", there may be many other occasions when their "interests" conflict. For instance, it may be in the "interests" of tennis promoters and spectators if highly ranked players are contracted to play in a minimum number of tournaments each year. First, because of the increase in revenue for tournament sponsors who can promote or "sell" the "big names" in the draw, and second, because spectators will be guaranteed the opportunity to watch those "big names" in action. Yet, this may not be in the "interests" of some of the higher ranked players, some of whom may be physically and mentally exhausted, as it is likely that they are consistently getting to the closing stages of every tournament they play. At the same time, it may not be in the "interests" of spectators who may effectively have paid a premium to watch a sub-excellent performance if a player is carrying an injury, or a player may have to "scratch"² during a match because of injury, or a player may not be fully committed to winning because they are physically or mentally exhausted.

If we are able to conclude that the "interests of the game as a practice" are best understood as "sectional interests" then we will need somehow to differentiate between these different "sectional interests" in order to determine which we should be guided by in order to resolve the problem of the dominance of power-serving in elite male tennis. On the one hand, we can be guided by the "sectional interests" of one group. On the other hand, we can try to reach an agreement between all or some of the "sectional interests". First, however, we need to determine what the "interests of the game as a practice" actually means if they do not refer simply to "sectional interests". In order to do this we need to examine more closely Butcher and Schneider's (1998) understanding of a "practice".

5.3.2 *Concepts and “interests”*

Butcher and Schneider (1998), amongst others³, draw on MacIntyre's (1985) account of “practices” we described in chapter 2 in order to defend their position that “practices can have interests”. They support MacIntyre's thesis that particular practices have their own particular internal goods, that the internal goods can only be had by experiencing them as an insider, and that virtues are necessary to realise them. They refer only very briefly, however, to the role of institutions in their discussion of the practical implications of viewing “fair play” as “respect for the game” despite MacIntyre's (1985) claim, that we outlined in Chapter 2, that practices cannot survive for long without the support of institutions”. There we explained that institutions are mainly concerned with the distribution of external goods or rewards such as power, wealth and status in order to sustain themselves and the practices.

The complex relations between institutions and practices can be illustrated through the example of outdoor floodlit play at the US Open Grand Slam tennis tournament. It is in the “interests” of tennis institutions such as the ITF and the USTA to support night-time scheduling of matches if we think in terms of the increased revenue from sponsors and spectators which can be reinvested in the game so there are better playing facilities and more opportunities to play the game. Moreover, increased media coverage would take the sport to a wider audience which may result in increased participation or even just provide pleasure to “couch potatoes”⁴ who can enjoy the spectacle of the excellences of elite tennis. Yet, at the same time, floodlit tennis seems to undermine the flourishing of the practice since playing under floodlights does not seem to be in the “interests” of the players. The outcome of matches played at the US Open ought to depend on the excellences that define tennis such as technical and strategic skills and abilities, speed around the court, hand/eye co-ordination, and so on, not on the ability, or inability, to see the ball under floodlights. This example shows the way in which the institutions of tennis can both support and undermine the practice.

We are now in a position to draw some conclusions concerning Butcher and Schneider's (1998) claim that a practice can have "interests". According to MacIntyre's (1985) account of a practice it is difficult to see how a practice can have "interests". His account of a practice appears to be a concept or an abstraction that enables us to more clearly understand what the "interests" of the individual members of a practice might be. Concepts cannot have "interests". We have seen that individuals have "interests" and that institutions can have "interests" too. Thus, MacIntyre's concept of a practice is a useful theoretical framework that illustrates how the complex relations between the internal goods and the associated virtues needed to attain the internal goods, and where they stand in relation to external goods and institutions, hang together. Yet, if there were such a thing as the "interests of a practice" then surely it must relate to the internal goods of the game, but not exclusively. This idea is explained below.

5.3.3 "*Sectional interests*" and internal goods

We have seen that the "sectional interests" referred to above are often conflicts of "interests". We have also seen that these "sectional interests" may variously represent the "interests" of individuals and/or institutions. The problem that remains is whether we ought to be guided by the "sectional interests" of one group or whether we ought to try to reach an agreement or mediate between some or all of the overlapping "sectional interests" in order to evaluate technical and technological innovations in elite male tennis. We need to return to MacIntyre's (1985) practice-institution *gestalt* to resolve this issue. The ITF, as the international governing body of tennis that is responsible for the administration and regulation of the rules of tennis, must bear some responsibility for the way in which the game develops. In chapter 2 we outlined two problems, identified by McNamee (1995), facing any institution that tries to preserve a practice and its tradition. The first problem is ethical since we need to determine which criteria are selected to justify innovations that will benefit the practice of elite male tennis while simultaneously safeguarding its integrity. The second problem is political since we need to determine who ought to decide what is best

for elite male tennis in terms of its evolving traditions and competing styles of play.

In a pluralistic democratic society the moral standing of the policies implemented by the ITF ought, following Peters (1970), to be the kinds of policies that promote the already established institutionalised moral principles such as justice, equality, freedom and respect for persons. The difficulty is in knowing whether any of the proposed technical or technological innovations to the game will actually contribute to the kind of good life embodied by the moral principles of justice, equality, freedom, respect for persons, and so on. In other words, we need to find a way of determining what precisely constitutes institutional corruption. The above example of floodlit tennis at the US Open highlights the problem. We need to know why many believe it is actually corrupt that tennis institutions such as the ITF and the USTA seem to have allowed, or perhaps embraced, policies that seem to prioritise the acquisition of external goods such as the extra revenue they get from television companies, at the expense of the achievement, promotion, development, refinement and extension of the internal goods of the game.

For instance, in 1999, ISL, a multinational media company, agreed to pay \$1.2 billion to the ATP for the sponsorship, advertising and media rights to the ATP Masters Series⁵ (Eaton, 2002). Eaton explains that in order to strengthen its portfolio as it tried to become a public company, ISL made purchases they might not otherwise have considered. They bought rights for Brazilian football teams, a country where football is known to be corrupt. They also made a \$4 billion bid for the rights to NCAA basketball. They also had a deal with the IAAF that was not as concrete as they claimed. During this period there was also an on-going internal power struggle between two key ISL executives. These were the conditions, argues Eaton (2002), that contributed to the company going bust in 2000. It is significant that when the ATP struck their deal with ISL they gave up their right to veto what ISL was doing. Eaton (2002) is surprised that the ATP made this concession. Perhaps it is not so surprising though, given the amount of money the ATP were set to receive. The \$1.2 billion from ISL may have helped

persuade the ATP to relinquish its control over how the rights were going to be exploited. One of the consequences of the failed deal was that television coverage of the Masters Series in Britain was limited to ITV-Digital which only had the capacity to broadcast to a maximum of 50,000 households. A similar scenario unfolded in Germany, France and Italy. The opportunity for the public to watch the excellences of elite male tennis being played was severely curtailed. Thus, even though the deal between the ATP and ISL collapsed in 2000 when ISL went bust, the example illustrates both the amount of money in the sport and the extent to which tennis institutions may take what are arguably unnecessary risks in order for financial gain.

Thus, in order to determine what is and is not corrupt behaviour by tennis institutions we need to develop a normative account of what constitutes a fair institution. We need, then to contextualise the game of tennis and the different institutions of tennis such as the international governing body of tennis, national governing bodies of tennis, commodity providers such as racket manufacturers, and the media such as television companies, journalists, and so on.

It seems that the fairest way to evaluate technical and technological innovations ought to depend on the compatibility of the alternatives proposed with the attainment of the internal goods of tennis since:

... the very game in itself is the core practice and the key arena for the development of ideals of fair play and its attendant virtues.
(Loland & McNamee, 2000:71).

The *game* of tennis is everything. Without it, the institutions of tennis have no reason to exist. Although MacIntyre (1985) makes it clear that without institutions to support them, practices will wither and die, we are arguing that without the practice of tennis there would be no need for tennis institutions since there would be no game to govern and regulate. Thus, a preliminary conclusion as to the criteria chosen to justify changes to the practice of tennis is that any future developments and changes ought to be driven and shaped by the achievement, promotion, development, refinement and extension of the internal

goods of the game rather than the external goods of institutions. Being guided by the attainment of the internal goods of the game is the way in which an agreement can be reached between "sectional interests". Yet, this is not to say that external goods have no part to play in determining what is in the "interests of the game as a practice". We explore this idea here below.

5.3.4 *The parasitic logic of institutions*

We have seen that institutions have their own agenda and a kind of parasitic logic that undermines practices. Their agenda is concerned with the distribution of external goods, such as money, in order that the practice will flourish and in order to sustain the institutions themselves. They distribute prize money, power and status as rewards. Yet, their parasitic logic is such that in order to follow their agenda institutions often:

... treat the ends that practices embody with indifference, ignore the authority invested in them over time, and usurp them with mere subjective preferences represented by the economic demand of a not necessarily educated, but consuming, public. (McNamee, 1995:66).

The idea of the parasitic logic of sports institutions can be perhaps more clearly explained in the following example. One of the proposals for resolving the problem of the dominance of power-serving in elite male tennis is to change the rules to allow one serve only. It is argued that players would have to serve more slowly in order to ensure they got their first and only serve into play; fewer aces would be served and longer points would ensue. Longer points would be more likely to provide more opportunities for the players to gain satisfaction from experiencing more internal goods of the game. If a point consists only of unreturnable serves there is little opportunity for players to experience softly hit drop shots, lob volleys, quick fire volleys when both players are at the net, well thought out points, and so on. A game that contains a variety of skills is a good game that would be more interesting and entertaining for spectators to watch. "One serve only" would also help to ensure that the flow of the game would be

continuous. Moreover, it is argued that it is not fair that the serve is the only stroke in tennis where a player can go for an ace, miss, pay no penalty, and have a second go.

Yet, the ITF's support of this proposal might be guided by their own parasitic logic rather than whether the proposal actually relates to the attainment of the internal goods of the game. In other words, the ITF may see this proposal simply as a good opportunity to generate more financial revenue for the sport regardless of whether the proposal is actually in the "interests of the game as a practice". The ITF would satisfy their main concern which is to acquire external goods like money in order that the practice can flourish but this acquisition may, in the long-term, actually be at the expense of the practice itself. Allowing "one serve only" may best serve the "financial interests" of television companies and the "entertainment interests" of spectators rather than the "interests of the game". One serve only may more easily hold the attention span of spectators. Making the rules easier to understand by allowing one serve only may also encourage new people to watch the sport or start playing the sport. Yet, in terms of television, one serve only may be a kind of "dumbing down" whereby the sport is seen merely as "entertainment" rather than an opportunity to watch excellent, skilful, and powerful tennis. It could be argued that "one serve only" would not be in the "interests of the game" as it would change the fundamental character of the game. We noted in chapter 2 that the current rule on serving has been part of the fundamental character of tennis since the game was codified in 1877. Thus, the traditional uses of the serve as a tactical weapon, (as well as simply a straightforward power weapon), may diminish or disappear completely. In a close hard fought match, for example, there may be a situation where the server, on missing his first serve, risks hitting his second serve as hard as he would his first serve in order to take his opponent by surprise. This strategic option would disappear if there were one serve only. By contrast, having two serves increases the strategic and cognitive complexity of the game thus contributing to the achievement, promotion, development, refinement and extension of the internal goods of the game.

Nevertheless, despite the parasitic logic of institutions, sports institutions have done much that is in the “interests of the game”. In many sports, for example, the income generated by televising sport has enabled many sports to flourish. Sports such as mountain climbing and ski-ing, as well as tennis, have been brought to a much wider audience by television, providing pleasure to many more spectators some of whom may not be physically able to participate in any sports. Televising sports may also encourage more participation and provide some people with the initiative to try a variety of new sports. Moreover, slow motion replays in tennis and other sports have allowed the technical qualities of play to be more accurately analysed thus providing both elite and amateur players with the opportunity to improve their standard of play. Furthermore, as television has, arguably, the “best seat in the house”, slow motion replays may have contributed to a decrease in violence in contact sports as every detail of the game can be scrutinised⁶.

We have established, then, that if there were such a thing as the “interests of a practice” it must relate to the internal goods of the game, but not exclusively, as external goods have an important role to play. Thus, we conclude that the achievement of the internal goods of the game are the criteria that will justify technical and technological innovations that will benefit the practice of elite male tennis while simultaneously safeguarding its integrity. We argue now that it is the members of the practice-communities of elite male tennis that ought to decide what is best for elite male tennis in terms of its evolving traditions and competing styles of play.

5.3.5 *Experience and knowledge*

Morgan (1994) believes that for sport to flourish all substantive policy decisions concerning the conduct and reform of sport ought to be determined by practice-communities. The idea that it is the members of the practice-communities of elite male tennis who are to evaluate technical and technological innovations in elite male tennis coheres with MacIntyre’s (1985) view that the internal goods of the practice must be experienced as an insider as only those people have the relevant experience to judge internal goods. Yet, this seems to be suggesting that all the

decisions about the future of the game of elite male tennis must be decided by those who play the game as only they know what it is to achieve the internal goods of the game. The question is, as Stout (1988:79) puts it, whether "relevant" experience can be had "second-hand, through a skillful reporter's thick descriptions". MacIntyre is sceptical of this although he then goes on to acknowledge that judgement about the internal goods of portrait painting requires:

... the kind of competence that is only to be acquired either as a painter or as someone willing to learn systematically what the portrait painter has to teach. (MacIntyre, 1985:190)

This suggests that the circle of "judges" deemed to be competent enough to evaluate technical and technological innovations in elite male tennis can be legitimately widened to include the views of those people who are not just actual practitioners, that is, elite male tennis players, but are those people who have knowledge of what the internal goods of the practice of elite male tennis are. This allows us to take into account the views of the above "sectional interests" such as coaches, the media, spectators, racket manufacturers, and so on, but with the caveat that it is only those views that relate to the achievement, promotion, development, refinement and extension of the internal goods of the game, not any other "interests" they might have. We will return to the problem of how this might be achieved later in the thesis. For now, however, we can say that the different perspectives of these kinds of groups are important as, not only do players, the media, spectators, sponsors, and so on, have different relationships to the game and to the practices that make it up, they also:

... play an active role in refining, adjusting, modifying the concepts and practices that make up the game in the actual process of interpreting those arrangements. (Connolly, 1993:184)

Sports reporters and spectators, for example, might debate whether "towelling down" by some elite male tennis players between almost every point is gamesmanship or an acceptable tactical ploy. The question is whether this kind of "slow play" is gamesmanship designed to disrupt the rhythm or concentration of

the opponent or whether it is an acceptable tactic to "buy" time to recover in between long exhausting points. In effect, debates and judgements about what constitutes a good game and a fair game are being expressed. Do constant delays between points have anything to contribute to a good game of tennis? Do these delays mean one player is gaining an unfair advantage over another? Over a period of time, the outcome of such debates can have a major influence on the actual structure of the game. It could be argued, for example, that the introduction of the rule which limits the time allowed in between points in order that play is continuous⁷, was in response to the long-term debate over the "slow play" tactics of some players. Thus, it is important that whoever is involved in the evaluation of technical and technological innovations in elite male tennis has some sense or shared understanding of the ethos of the game in terms of what constitutes a good game and a fair game. They also need to have a shared knowledge of the history and development of technical and technological innovations of the game. This will help to ensure that they carry out a rational evaluation of technical and technological innovations that is the best possible one for the game. We are suggesting, then, that anyone who has a rich insight into what it is to be an elite male tennis player can contribute to the evaluation of technical and technological innovations in the game.

To sum up thus far, MacIntyre's (1985) practice/institution distinction illustrates the importance of the internal goods of the practice for the flourishing of the practice. Thus, if there were such a thing as the "interests of a practice" then it must relate to the achievement, promotion, development, refinement and extension of the internal goods of the game, albeit not exclusively, as external goods also have a vital part to play. It follows that the internal goods of the game are the criteria that will justify changes to the practice. Further, as it is the members of the practice-communities of elite male tennis who either experience, or have knowledge of the internal goods of tennis, it is they who are to evaluate technical and technological innovations in elite male tennis. Morgan (1994) explains how he conceives the deliberative function of the practice-communities of sport to be by drawing on Lyotard's (1988) distinction between two kinds of

judicial dispute to support his argument: a “differend” and a “litige”. We explore this distinction below.

5.4 The concepts of a “differend” and a “litige”

The question we explore in this section is whether disputes within tennis are best characterised in terms of Lyotard’s (1988) concept of a “differend” or a “litige”. We begin by outlining his concept of a “differend”.

5.4.1 *The concept of a “differend”*

Williams (1998) explores Lyotard’s position on those cases of conflicts requiring judgement that are differentiated from other cases by the hopeless situation in which the plaintiffs who bring their case to court find themselves. In such cases, he explains, there does not appear to be any way in which the plaintiffs can satisfactorily present their case to court as the court requires a testimony from the plaintiff which cannot be provided because of the nature of the wrong done to the plaintiffs. Inevitably, the plaintiffs cases are rejected and the wrong is unable to be corrected. According to Lyotard, the plaintiff becomes a victim:

It is in the nature of a victim not to be able to prove that one has been done a wrong. A plaintiff is someone who has incurred damages and who disposes of the means to prove it. One becomes a victim if one loses these means. (Lyotard, 1988:8)

Thus, on Lyotard’s account, a “differend” is a dispute whereby one of the aggrieved parties becomes a victim because he or she is deprived of the means of presenting their argument:

A case of differend between two parties takes place when the “regulation” of the conflict that opposes them is done in the idiom of one of the parties while the wrong suffered by the other is not signified in that idiom. (Lyotard, 1988:9)

Williams (1998) provides an example to illustrate such a case. A plaintiff may be requested to present his or her case in a language that invalidates it. In other words, the plaintiff is being requested to carry out a self-defeating task where the kind of evidence called for by the court cannot be provided. He refers to the difficulty of having to prove rape in a language and culture that has no understanding of what rape is. We might also think of the difficulty we might have in trying to prove intra-marital rape in a Muslim culture or trying to prove that bigamy has occurred in Mormon society where having more than one wife is lawful. Consequently, the victim is reduced to silence by the requests of the court:

The differend is signalled by this inability to prove. The one who lodges the complaint is heard, but the one who is a victim, and who is perhaps the same one, is reduced to silence. (Lyotard, 1988:10).

Thus, “differends” are the outcome of the conflicts of “incommensurable language games” (Williams, 1998:105). In other words, there is a “differend” when a court functions according to a language game that is incommensurable with the language game of the plaintiff. Williams (1998) explores the incommensurability of the language game of human rights that professes that everyone has a right to a fair trial and the language game of reasons of state such as when a state is confronted by terrorism. He explains that a “differend” occurs if the state judges itself to be in such great danger that it abandons a commitment to human rights and then acts against terrorists in a way that denies them a right to a fair trial. The state passes judgement, perhaps an internment policy, according to a language game incommensurable with the language game of human rights. The internees cannot prove their innocence since the state refuses to divulge the reasons supporting its judgement “for reasons of state” (Williams, 1998:105). The key point is that “differends” cannot be resolved in a way that is fair to both of the language games involved. Williams (1998:106) thus highlights the “double bind” facing Lyotard’s (1988) attempt to resolve a “differend”. In a “differend” there is both a wrong that cannot be articulated and there is a system of judgement that is unable to see the wrong. To operate in the language of the first

means there is no way of articulating the wrong in the language of the second. Yet, to operate in the language of the second means there is no way of recognising the wrong.

5.4.2 *"Differends" and social practices*

Having outlined briefly Lyotard's (1988) concept of a "differend" we now need to determine whether it can mean anything in terms of MacIntyre's (1985) conception of social practices. Put another way, can the concept of a "differend" be translated into that scheme? Are they inter-translatable? Following Williams (1998), when two practices which are governed by the rules of incommensurable language games are in dispute over a particular issue, an irresolvable conflict occurs. In other words, a conflict arises that cannot be resolved justly from the perspectives of both practices. Many sporting "differends" operate within the language of economic capital which, in MacIntyre's terminology, is an external good. This is in contrast to the language of the internal goods and virtues of sport. We argue here that a sporting "differend" occurred with the proposed sale of Manchester United Football Club⁸ which was negotiated in the language of economic capital rather than the language of the internal goods of the game.

In March 2000 the market value of Man Utd FC was in excess of £1 billion (Walsh & Giulianotti, 2001). BSkyB, headed up by Rupert Murdoch, made an attempt to become the major shareholder in the Club in 1998-99. Murdoch argued that if BSkyB became the major shareholder the club would have long-term financial security. Yet, Murdoch's approach to marketing is to use televised sport a "battering ram" to break into and control new television markets (Walsh & Giulianotti, 2001:57). Fans of the club and others who had the wider interests of the game at heart believed that as a result of the sale club games would be scheduled according to their suitability to their new owner's television schedule rather than to the suitability of the needs of the players or access opportunities to the games by the fans. For instance, games might be scheduled too closely together in the calendar in order to fit in with television schedules although this may mean players do not have enough time in between games to recover

physically. Similarly, late evening mid-week kick-off times for games may suit television scheduling but might perhaps be difficult for fans to travel to and from games. The drawing power of Man Utd FC would be likely to be packaged by BSkyB as a "commodity" to be sold to the public at the expense of what was in the "interests of the game".

Despite the nationwide outcry by football fans it looked likely that the fans would be unable to stop the sale of the club because they were not speaking the same language as BSkyB. The government, however, eventually intervened and stopped the sale. It could be argued that this is not a "differend" as the dispute was eventually resolved. Yet, the way in which it was resolved was through the introduction of a mediating body. The Monopolies and Mergers Commission⁹ judged that if the sale went ahead BSkyB would greatly increase their influence over football's regulatory authorities which might result in "changes in the game and its presentation that might be against the public interest" (Finney, 2000:79). In terms of the organisation and quality of the game they also argued that if the takeover went ahead the inequality of wealth between clubs would increase and this would compromise the ability of smaller clubs to compete¹⁰. In other words, the MMC believed it was likely that decisions would be made that were in the interests of the BSkyB rather than in the interests of the game. In effect, they were the means by which both the fans and BSkyB were able to speak the same language. The power of the language of economics, then, covers up "differends" by subjecting all disputes to the test of profitability (Williams, 1998). Thus, the "differend" is of no consequence to those who ask which solution would make the most economic sense. This may allow those in the economic sphere to resolve every conflict, but it does not resolve a "differend":

The differends between phrase regimen or between genres of discourse are judged to be negligible by the tribunal of capitalism (...) But if the verdict, always pronounced in favour of gained time, puts an end to litigations, it may for that very reason aggravate differends. (Lyotard, 1988:178).

Conflicts or disputes in tennis can be characterised in terms of “differends”. For instance, the US Open is the only Grand Slam tennis tournament that schedules matches in night sessions as well as day sessions to accommodate the economic interests of television companies. Television companies want to broadcast matches at peak viewing times in order to gain the maximum exposure for their advertising and sponsorship deals. This is not in the interests of players who may finish a match in the early hours of the morning and then find themselves scheduled to play in the following day session. Eating, sleeping and match preparation patterns are disrupted, which may have a detrimental effect on the likelihood of players experiencing the internal goods of the game. An elite male tennis player who has not had a reasonable amount of time to prepare physically and mentally for the next match may, for example, not be able to concentrate or move around the court as well as he usually does.

Of course, there are always times when players do not concentrate or move around the court as well as they usually do. This is part and parcel of being an elite male tennis player. The challenge for the player is to try to eliminate the occasions when this happens. What is unfair is when the eating, sleeping and match preparation patterns of a player are being disrupted unnecessarily. The fact that players are unhappy with this kind of scheduling is well known and long-standing. This is a “differend” as two language games are being played. The tournament organisers, which includes the ITF and the USTA, are speaking in the language of market economics. By contrast, the players are speaking in the language of the internal goods and virtues of the game. Thus, it seems as though, in the language of the internal goods of the game, that the excellences that define tennis such as the technical and strategic skills and abilities, speed around the court, hand/eye co-ordination and so on, are sacrificed, to a certain extent, in favour of the acquisition of external goods, that is the economic goals of television companies. The ITF, the ATP, and the USTA, then, are institutions of tennis that seem to be concerned mainly with the acquisition of external goods such as money and market share, apparently at the expense of the practice and its practitioners. In other words, things go wrong as soon as they forget that their

raison d'être is to serve the practice not to reduce it to merely a means to procuring external goods.

We conclude that, following Lyotard's (1988) characterisation of the "differend" as an irresolvable conflict, there is no judgement that can unite both sides while remaining consistent with their original claims. "Differends" in elite male tennis cannot be resolved in a way that is fair to both the language of tennis institutions, that is, the language of external goods, and the language of the internal goods of the game. Thus, "differends" cannot be translated into MacIntyre's (1985) scheme of social practices. It follows that evaluating technical and technological innovations in elite male tennis will not lie in their conceptualisation as "differends". Rather, the aim is to ensure, not only that those involved in the evaluation of technical and technological innovations in elite male tennis are speaking the same language, but that the language is the language of the internal goods of the game of tennis. It must be borne in mind, however, that in elite sport especially, a way must be found such that external goods are also accommodated as television companies, sponsors and so on, have the capacity to contribute to the flourishing of the practice as well as undermining the practice. In order to do this we must refer to the other kind of judicial dispute that Lyotard (1988:10) labels "litigation" (*litige*).

5.4.3 The concept of "litigation"

Morgan (1994) argues that litigation as a mediating force can only occur when both or all interested parties agree on the description of a particular dispute as well as agreeing on the means for solving it. When this is the case, he explains, the shared language or idiom is inclusive enough to enable the plaintiff and the defendant to put forward their arguments and resolve the dispute. We argue that the internal goods of tennis is the shared language or idiom that is inclusive enough to allow the members of the practice-communities of elite male tennis to evaluate technical and technological innovations. Lyotard's (1988) incommensurability of language games does not hold much ground here because there *is* a shared language or common bond that will determine what is a good

and a fair way to judge or evaluate technical and technological innovations in elite male tennis. Simply by virtue of being members of the practice-communities of elite male tennis, in terms of tennis issues at least, the members already share many of the same or similar interests and outlooks. They share the same tennis history, traditions and rituals of the game; they share the same internal goods; they share many of the same, or very similar, ideas of what constitutes a “good” game and a “good” player.

Thus, when the practice-communities of elite male tennis are deliberating about technical and technological innovations they should aim, following Morgan (1994), to change all “differends” into “litigations” so that the natural force of the superior argument, that is, the natural force of the internal goods of the game, triumphs over the coercive force of political power and social domination. Only in this way can disputes concerning the conduct and reform of sports, including the evaluation of technical and technological innovations in elite male tennis, be resolved. It is in this way, argues Morgan, that practice-communities become judicial bodies or critical tribunals that provide an arena for reaching a rational consensus enabling disputes concerning the appropriate character of, and conduct in, sporting practices to be resolved:

As critical tribunals, they are to adjudicate rival beliefs and values by weighing the merits of each on its rational merits alone. The aim of this process of argumentation is to reach a rational consensus about contending norms and values, a consensus in which only those beliefs that have the strongest rational warrants gain our assent. So beliefs and claims are accepted because we have good rational grounds for accepting them, not merely because they are shared. (Morgan, 1994:238)

Morgan (1994) argues that thinking of sporting practice-communities in terms of critical tribunals eliminates a number of other conceptions of their deliberative purpose. One of these is the idea of reaching a rational consensus based on Rawls’s (1987) idea of an “overlapping consensus”. We explore now the possibility that sporting practices as critical tribunals can be understood in terms of the Rawlsian idea of an “overlapping consensus”.

5.5 The idea of an “overlapping consensus”

The kind of consensus achieved by the Rawlsian idea of an “overlapping consensus” is one that accords justice priority over the good in order that we might agree on a fair and equitable way, or a just political way, to regulate the many different, and often incommensurable, conceptions of the good in a pluralistic society. In this section we describe the idea of an “overlapping consensus” and illustrate it in the context of a problem in elite male tennis in order to see if it can be understood in terms of practice-communities as critical tribunals that can evaluate technical and technological innovations in elite male tennis. Prior to describing the idea of an “overlapping consensus”, however, we need first to explain the appeal of political liberalism is as a theoretical framework within which conflicting views over the conduct and reform of sport might be settled.

5.5.1 *Political liberalism*

Much of the appeal of liberalism is derived from its commitment to tolerating different ways of life and value systems. Yet, according to Scheffler (1994), there remains some confusion over what the basis of liberal toleration is. We rehearse his arguments here. Scheffler outlines three possible understandings of liberal toleration and provides reasons why each understanding remains problematic. The first understanding lies in the nature of human value. The belief is that “the realm of value is irreducibly heterogeneous” (Scheffler, 1994:4). Thus, we ought to tolerate diverse ways of life since they are ways in which diverse human goods are realised. Yet, as Scheffler points out, if liberal toleration depends on a pluralistic theory about the nature of human values then the pluralistic thesis will itself be contentious since the supposed toleration of diverse conceptions of value will depend on a commitment to a particular conception of value.

The second understanding lies in a general scepticism about value. The belief is that no sense can be made of the notion of objective value or the idea of a good

life. Thus, we ought to tolerate diverse ways of life since the suggestion that some ways of life are better than others has no substance so "there is no legitimate basis for intolerance" (Scheffler, 1994:4). This understanding of toleration is similarly problematic since scepticism, like pluralism, also presents a contentious understanding of the nature of values.

The third understanding lies in the idea of a "modus vivendi" (Scheffler, 1994:5). In a "modus vivendi" a calculated compromise between the parties involved is reached since no party is able to impose its preferred way of life on the other parties without an intolerable price. Thus, each of the parties involved agrees to a policy of mutual tolerance as the best that can be attained given the situation. Yet, this understanding is also problematic since a defence of toleration based completely on practical grounds fails to explain the moral appeal of the notion of tolerance. Moreover, a "modus vivendi" maintains its force only for as long as the balance of power in society is upheld. If one party acquires enough power so that a policy of intolerance seems tempting, the practical argument offers no reason to resist the temptation.

There is an urgent need to understand more clearly the basis of liberal toleration at this particular time in history. Western liberal societies are plagued by many social problems the genesis of which, some argue, rests ultimately in a culture of individualism and a disintegration of communal values for which liberalism itself is to blame. Thus, liberalism needs to understand its relationship to the different ways of life and cultural forms in contemporary societies. Rawls's *Political Liberalism* (1996) is a key contributor to what Scheffler (1994:5) calls "this project of liberal self-understanding". Rawls argues that pluralism about moral views is a fact of life in contemporary societies. Under conditions of freedom of thought and expression, he argues, we will probably develop different "comprehensive"¹¹ viewpoints about philosophical, religious and moral issues. The differences in these views are due to the complex nature of the issues rather than moral scepticism. The problem this diversity raises for Rawls is the question:

How is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines? (Rawls, 1996:4)

In other words, the problem is to determine how a society can form a stable commitment to a conception of justice that denotes fair terms of cooperation among its members. According to Rawls, such a society can only be achieved if its “basic structure”¹² is:

... effectively regulated by a political conception of justice that is the focus of an overlapping consensus of at least the reasonable comprehensive doctrines affirmed by its citizens. (Rawls, 1996:48)

In order to have even a rudimentary understanding of this answer we need to know more about what he means by a “political conception of justice” and an “overlapping consensus”.

5.5.2 A “political conception of justice” and an “overlapping consensus”

Rawls’s (1996) political conception of justice is a moral conception worked out for the “basic structure” of society. He re-forms his theory of “justice as fairness”, first outlined in *A Theory of Justice* (1971), as a “freestanding” (Rawls, 1996:12) political conception of justice. He stresses that while we want a political conception to be justified by different comprehensive doctrines:

... it is neither presented as, nor as derived from, such a doctrine applied to the basic structure of society, as if this structure were simply another subject to which that doctrine applied. (Rawls, 1996:12)

Instead, Rawls (1996:12) asks us to think of a political conception of justice in terms of a “module” that is a necessary component that fits into, and can be supported by, a variety of reasonable “comprehensive” doctrines. The main ideas that contribute to the formation of “justice as fairness”, such as the notion that

citizens are free and equal, are now understood as being shared elements of political life. They are shared elements of a public, democratic culture:

Society's main institutions, and their accepted forms of interpretation, are seen as a fund of implicitly shared ideas and principles. (Rawls, 1996:14)

The suggestion is that these ideas are already held or accepted by most people who share that culture, whatever other views they may diverge on. In other words, a shared set of institutions and history has led people to converge on these ideas. The political conception of "justice as fairness" is ultimately justified for people in different ways according to other aspects of the "comprehensive" views they possess in "wide reflective equilibrium" (Rawls, 1974/75:8). We noted in chapter 4 that "wide reflective equilibrium" builds on the method of "narrow reflective equilibrium" since we must show why it is reasonable to possess the principles and beliefs that capture our considered judgements in "narrow reflective equilibrium". There is no one particular reason that will lead people to converge on the political conception of "justice as fairness":

The point to stress here is that (...) citizens individually decide for themselves in what way the public political conception all affirm is related to their own more comprehensive views. (Rawls, 1996:38)

Put another way, the political conception of "justice as fairness" is justified for people for different reasons within the wide reflective equilibria in a pluralistic society. Daniels (1996) illustrates the diversity of the kinds of beliefs included in "wide reflective equilibrium" as well as the sorts of arguments that may be based on them. Included on his list are our beliefs about specific cases; rules, principles, and virtues and how to act on them; the right-making properties of actions, policies, and institutions; the disagreement between consequentialist and deontological viewpoints; partiality, impartiality and the moral viewpoint; motivation, moral development, moral commitment, and the limits of ethics; the nature of persons; the role of ethics in our lives; the consequences of game theory, decision theory, and versions of rationality for morality; human psychology,

sociology, and political and economic conduct; how we should respond to moral scepticism and disagreement; and moral justification itself.

According to Rawls (1996), when we deliberate on questions of justice in the public realm we are not to refer to these kinds of deeper justifications we may hold in "wide reflective equilibrium". Rather, he explains that the aim is simply to build on people's agreement with the basic ideas and limit their reasoning about questions of justice to the sorts of considerations internal to the political conception of justice. In other words, we limit them to what Rawls (1996:212) calls "public reason". It is in this way that he believes "justice as fairness" can be justified in different ways in "wide reflective equilibrium" by people holding different "comprehensive" moral views. Convergence is limited in this "overlapping consensus" to the political conception of justice. In other words, since there is no shared "wide reflective equilibrium", individuals holding different comprehensive moral viewpoints must justify for themselves, in their own "wide reflective equilibrium", the acceptability of the political conception of "justice as fairness". It follows that their reasons for accepting "justice as fairness" will differ because of their philosophical, moral and religious beliefs. Daniels (1996) illustrates the point in the following way. While someone may believe there is such a thing as "moral truth" someone else may refute it. While someone may consider the principles of justice to be divinely given natural law someone else may consider them to be a human construction. Whatever, people are justified in accepting "justice as fairness" if it is acceptable to them in the different "wide reflective equilibrium" they attain.

We can see how this account has the potential to be understood in the context of sport. First, on the one hand, we can see the way in which cultural and social pluralism is apparent at all levels of sport. Empirical research carried out by Franzén, Nilsson and Peterson (2000), for example, found that male junior footballers in Sweden have a different understanding of what constitutes a good game of football from their female counterparts. Yet, on the other hand, it is apparent that there is a certain amount of agreement or consensus in sports. The fact that sportsmen and women from all corners of the globe are able to connect

with each other in a comprehensible way on the field of play, despite a diverse range of individual, cultural and social differences, seems to point to the existence of at least a minimum level of consensus on some fundamental ideals or basic norms of sporting practices. There must be an element of consensus among those involved concerning the understanding of the basic rules of the sport. In order to play tennis, for example, players must agree upon what it is to serve, to score points, to win games, sets and matches. There must also be a mutual recognition of the consensus on basic rules by competitors who must then act on it. Thus, in tennis, players communicate their agreement to each other by abiding by the counting of points, games and sets prescribed by the rules and by moving around the court accordingly. We have only to think of international competitions or tournaments to illustrate the point. Elite footballers play in the World Cup which is held every four years and involves teams from 198 countries, and the Davis Cup competition for elite male tennis players is currently the largest annual international team competition in sport involving teams from 142 countries.

Secondly, we can see how when we discuss particular matters of justice, the fact that we should restrict reasons to those we converge on, putting to one side other areas of disagreement, seems to be relevant to sport decision-makers who try to settle conflicting views over the conduct and reform of sport. In practice, resolving some ethical problems, particularly policy issues, does not always necessitate agreement on everything. Further, sometimes resolving problems rules out attempting to agree on everything if there is a deadline by which a decision must be made.

Having explored what Rawls (1996) means by a political conception of justice and the idea of an "overlapping consensus" it is clear that agreeing about "justice as fairness" does not mean we must agree on all moral issues. Even so, on his account, "justice as fairness" is justified for people only if they accept it in "wide reflective equilibrium". People can then agree to limit themselves to the reasons permitted by "public reason" without requiring what Daniels (1996:151) calls a kind of "moral schizophrenia" as public reasons are justified for them from within their wider views. The kinds of policy decisions facing sport decision-makers

concerning the conduct and reform of sports are comparatively modest. They are not trying to dispute or justify fundamental moral principles as they would if fundamental social change was the concern. In this sense their role can be understood in terms of what Jonsen and Butler (1975:22) call "public ethics".

Public ethics, according to Jonsen and Butler (1975), is concerned with making public moral decisions about particular issues that do not entail extreme changes to the structure of the social order. Since questions of policy do not entail such extreme changes we can expect there to be some agreement on relevant principles. Thus, in order to solve a practical problem we undertake only as much abstraction as is required to solve the problem. Nevertheless, Jonsen and Butler note that public ethics demands we are sensitive to context since the implications of different policy options and their moral consequences relative to the principles must be made clear. There may be times, for instance, when the ITF wants to know what to do in order to improve existing policy. The need to develop further player security policy was a key issue for the ITF and the WTA (the Women's Tennis Association), in the wake of the knife attack in 1993 on Monica Seles, the then world number one ranked woman player. There may be other occasions when the problem is in understanding the relations between one case and another in order to ensure that the approach being adopted is consistent. The need for a consistent approach by tournament referees worldwide towards players who bring the game into disrepute illustrates this point. The enforcement of the Player Code of Conduct must be consistent regardless of whether it is contravened by a player ranked in the top ten or the top five hundred in the world.

Having described the theoretical basis of the idea of an "overlapping consensus" the remainder of this section appropriates and contextualises the idea in terms of decision-makers evaluating technical and technological innovations in elite male tennis. We articulate here the recent introduction of the "Super Tie-Break" in mixed doubles at Grand Slam tournaments in order to illustrate the idea of an "overlapping consensus".

5.5.3 *The "Super Tie-Break"*

The ITF have approved an experiment to use the "Super Tie-Break" game (BBC Sport, 2001d). If a match is tied at one set all the rules currently state that the final set will be won by the first pair to win six games by a two game margin. If the score reaches six games all then a tie-break is played. The first pair to reach seven points by a margin of two points wins the game, the set and the match. Under the new proposal, however:

When the score in a match is one set all, or two sets all in best of five sets matches, one super tie-break game shall be played to decide the match. This super tie-break game replaces the deciding final set. The player who first wins ten points shall win this super tie-break and the match provided he leads by a margin of two points. (ITF, 2002a)

The new format has not yet been used in singles matches at an elite level but has been used at the last two Grand Slam mixed doubles events, the 2002 Australian Open and the 2001 US Open. In order to illustrate how this change to the rules of the game may have come about within the framework of an "overlapping consensus" let us suppose that the rule has not yet been introduced.

Suppose, then, it is being proposed that the rules of the game ought to be changed so that a "Super Tie-Break" determines the outcome of matches if the match reaches one set all. Those arguing against the proposal claim that reducing the final set of a Grand Slam match to one long tie-break would not be a full and fair test of the skills of players. They may argue, for instance, that technical skills would not be fully tested under sustained pressure over a sufficiently long period of time; players would not have the opportunity to develop fully a final set match strategy; the physical stamina and mental strength needed to concentrate over a full final set would not be fully tested, and; reducing the final set of a match to a tie-break would not be fair as the outcome would be a "lottery" in the sense that over such a limited number of points a combination of one or two net-cords, incorrect line calls, or mishit shots could determine the outcome. By contrast, those arguing in favour of the proposal claim that the heightened drama of a

“Super Tie-Break” would be exciting for the spectators to watch and provide them with better value for money since the shorter format would enable more matches to be scheduled into the programme; the sport would be more attractive to the media and sponsors since the shorter format would make it easier to schedule televised matches and would attract higher ranked singles players back to doubles; and, the format *would* be a full and fair test of the skills of players.

In order to examine critically these contrasting points of view and to arrive at a rational decision concerning the possible implementation of the “Super Tie-Break” imagine now that an evaluation committee convenes consisting of people who have an interest in how elite male tennis develops. Their objective is to determine whether or not a “Super Tie-Break” ought to be introduced in Grand Slam mixed doubles tournaments. The members of the committee are diverse. They include players, coaches, tennis equipment manufacturers, administrators, court officials, spectators, physiotherapists, dieticians, sportswriters, sports ethicists, and so on. The question is how might the varied members of the evaluation committee reach an agreement or “overlapping consensus” on whether or not the “Super Tie-Break” ought to be introduced.

In chapter 3 we argued that as an institutionalised practice, sport competitions have two basic structures. These are the constitutive and regulative rules, and the ethos of the practice or a set of social norms that stipulate how the rules are to be interpreted in practice. Clearly, any important changes to a sport will relate to the rule system or the norms that interpret the rules, or both. Yet, a rational evaluation of sports must be based on something more than simply the basic structures of the game being evaluated. Loland (2002), inspired by Rawls’s (1996) idea of an “overlapping consensus”, identifies ideal norms for sport competitions that he believes can achieve public recognition in the pluralistic world of elite sport. These norms provide the basis for tennis decision-makers to evaluate technical and technological innovations in elite male tennis. Drawing on Rawls’s account, Loland argues that the basic ideals of sport competitions are the product of a historical tradition that are expressed as intuitive ideas latent in sport competitions.

Let us suppose, then, that the members of the "Super Tie-Break" evaluation committee have drawn on the fundamental intuitive ideas latent within the culture of sport and have formulated and agreed upon two ideal norms for sport competitions. Let us also suppose their ideal norms cohere with the ideal norms for sport competitions that Loland identifies. His "fairness norm"¹³ stipulates a just and fair framework for sport competitions. His "play norm"¹⁴ stipulates how competitors ought to behave in order that the competition is a good competition. Thus, the members of the "Super Tie-Break" evaluation committee are agreeing that the "fairness norm" and the "play norm" are the fundamental norms of sport competitions latent in the culture of sport that ought to govern or regulate the reform of elite sports. Having agreed on these fundamental norms of sport competitions the committee then apply them to their evaluation of the "Super-Tie Break". The idea, following Loland's account, is to reach agreement on ideal norms for elite male tennis competitions by building on the ideal norms for sport competitions. Let us suppose that the evaluation committee reach an agreement on what constitutes a fair and good elite male tennis competition. They agree with each other on what the skills of elite male tennis are, what a reliable test of elite male tennis is, and what the experiential values of elite male tennis are. In the final stage of the process each member of the evaluation committee goes through the procedure of "wide reflective equilibrium" we outlined in chapter 4. They weigh their "considered judgments" about the "Super Tie-Break" against the ideal norms of elite male tennis in the search for a "wide reflective equilibrium" in which their considered judgements and ideal norms concur.

The idea is that these norms capture the morally desirable characteristics of sport competitions and elite male tennis competitions. The members of the evaluation committee have reached a consensus, an "overlapping consensus", on the norms that express the fundamental intuitive ideals latent in the culture of sport generally and in elite male tennis in particular. It is an "overlapping consensus" since it does not matter what the "comprehensive" views of the various committee members are. The evaluation committee may, for instance, be diverse in their philosophical education and beliefs. Some may think only within a utilitarian

framework whilst others think only in terms of a human rights framework. If they had tried to search for agreement on philosophical fundamentals they would have failed. Rather, each member of the evaluation committee, holding different “comprehensive” moral viewpoints, justifies to themselves, in their own “wide reflective equilibrium”, the acceptability of the ideal norms for sport competitions and elite male tennis competitions.

In sum, agreement by the members of the evaluation committee on the ideal norms for sport competitions and elite male tennis competitions is not merely a compromise between the committee members who might choose other norms if they had the power to do so. Rather, according to the idea of an “overlapping consensus”, it is possible for the committee members to develop norms they can accept and justify for a variety of reasons. Thus, this kind of convergence by the members of the evaluation committee is a moral solution to a policy problem rather than merely a moral compromise or a “modus vivendi”. In essence, an “overlapping consensus” does not demand that we agree on everything in order to solve problems. We explore now some of the criticisms of the idea of an “overlapping consensus” in order to determine whether it is a morally justifiable way to evaluate technical and technological innovations in elite male tennis.

5.6 A “modus vivendi”

There are a number of objections to the notion of social unity based on an “overlapping consensus”. Two of these are particularly important and relevant to the idea that an “overlapping consensus” is compatible with Morgan’s (1994) idea that all substantive policy decisions concerning the conduct and reform of sport ought to be determined by practice-communities. We begin with the objection that an “overlapping consensus” is merely a “modus vivendi”, that is, a compromise the parties can live with while not being strongly committed to. This will be followed by the more fundamental objection that a political conception of justice prioritises the right over the good.

One of the main criticisms of the idea of an “overlapping consensus”, Rawls (1996) acknowledges, is that:

... even if an overlapping consensus were sufficiently stable, the idea of political unity founded on an overlapping consensus must still be rejected, since it abandons the hope of political community and settles instead for a public understanding that is at bottom a mere *modus vivendi*. (Rawls, 1996:146)

Rawls (1996) explains that a “*modus vivendi*” is typically characterised by a treaty between two states who have conflicting national aims and interests. He explains how, in negotiating a treaty, it is sensible for each party to ensure that the terms and conditions are laid out in such a way that it is public knowledge that neither of the parties will benefit by transgressing the treaty. Thus, the parties will comply with the terms and conditions of the treaty because it is in their interests to do so. Put another way, it is in the national interests of both parties to keep their reputations as states that honour treaties. Generally, however, each party in a “*modus vivendi*” is prepared to pursue its own aims at the other party’s expense if the opportunity arises. We have only to think of the kind of social consensus that is based on political bargaining to illustrate the point. In tennis, for example, the LTA are not forthcoming in releasing financial aid to tennis clubs wishing to improve or update their facilities until the club has a Child Protection policy in force¹⁵. Essentially:

... social unity is only apparent as its stability is contingent on circumstances remaining such as not to upset the fortunate convergence of interests. (Rawls, 1996:147)

In other words:

the aim of a *modus vivendi* is to achieve not a rational consensus but a carefully calculated compromise in which reason giving is replaced by shrewd bargaining. (Morgan, 1994:239)

In response to this kind of criticism Rawls (1996) offers a number of reasons why the idea of an “overlapping consensus” is more than a “mere *modus vivendi*”. In

other words, he argues that people are loyal to it because it is right rather than it being simply instrumentally valuable. First, rather than being simply a set of institutional arrangements Rawls explains that the object of consensus, the political conception of justice, is itself a moral conception. The political conception of "justice as fairness", he explains, has conceptions of citizens as persons and society. It also has conceptions of rights, fairness, and principles of justice with their political virtues through which the principles are exhibited in human character and conveyed in social life. Thus, according to Rawls, an "overlapping consensus" is not simply a consensus on accepting particular authorities or on adhering to particular institutional arrangements, based on a convergence of self- or group interests. In terms of the decision-makers on the "Super Tie-Break" evaluation committee, then, the idea is that the consensus they reach does not simply conform with the institutional arrangements of the ITF who are responsible for regulating the technical rules and technological innovations of the game, based on a convergence of self- or group interests.

Secondly, Rawls (1996) explains that everyone participating in the consensus accepts that conception for one moral reason or another. Thus, even though everyone who affirms the political conception begins from within their own "comprehensive" view and draws on the religious, philosophical, and the moral grounds it provides, this does not mean their affirmation of it is less religious, philosophical or moral. According to Rawls, by and large, the concepts, principles, virtues, and so on, specified by the political conception of "justice as fairness" are accepted by each person as belonging to a more "comprehensive" philosophical, religious, or moral doctrine. The global nature of elite tennis is illustrated by the many different religions, ethnicity, cultures, and so on, of those involved in the game ranging from the players, court officials, sponsors, the media, to the spectators, and so on. Clearly, their different philosophical, religious and moral backgrounds suggests they do not all share the same "comprehensive" moral doctrine. Thus, following Rawls's account, they arrive at the same political conception of "justice as fairness" from different "comprehensive" doctrines.

According to Rawls (1996), these two differences between an “overlapping consensus” and a “modus vivendi” lead to a third difference that relates to the notion of stability. The notion of stability is particularly important to sporting practices. One of the key requirements for a game to be understood as a sport is if the popularity of the sport has a kind of stability that is more than simply longevity and includes a variety of secondary functions that contribute to the stability of a sport such as teaching and training, coaching, research and development, social criticism, and record keeping (Suits, 1973). We are concerned, in particular, with the areas of research and development, and social criticism.

In chapter 2 we explained that, following MacIntyre (1985), a tradition is composed of a variety of practices and is a means of understanding their significance and value in the living of good lives. A tradition is the means by which practices are shaped and communicated from generation to generation. MacIntyre argues that only traditions can offer people the resources needed to make rational decisions about how to pursue the good as it is in terms of a tradition’s best understanding of itself that people evaluate and critically assess their attempts to live the good life. That the game of tennis remains relatively stable from generation to generation is vital then, since its history and traditions determine the current rational standards of acceptability in tennis and provide a means of understanding of what it is to live a good life.

On Rawls’s (1996) account, an “overlapping consensus” will boast greater stability than a “modus vivendi” as the commitment to the political conception by people participating in the consensus is based on moral considerations rather than on any calculated self- or group interest. Thus, the consensus is less vulnerable to the possibility of being destabilised by changes in the balance of power within the culture in question. The idea, then, is that those who affirm the different views supporting the political conception will not retract their support even if their view becomes so powerful it becomes the dominant view. “Each view supports the political conception for its own sake, or on its own merits” (Rawls, 1996:148).

Thus, in terms of the “Super Tie-Break” evaluation committee, and other technical and technological innovations that might be proposed, the idea is that the essential nature of the game will continue to persist from one generation to the next even if certain political, moral, philosophical, and religious views come to dominate the sport.

5.6.1 *“Bargaining power”*

Despite Rawls’s (1996) insistence that his idea of an “overlapping consensus” is not merely a “modus vivendi”, however, the attractiveness of the view must be contingent to a certain extent on whether an “overlapping consensus” is really a realistic possibility for decision-makers in elite male tennis. We noted above that the aim of a “modus vivendi” is to attain a carefully worked out compromise in which careful bargaining takes the place of the committed reason giving associated with achieving a rational consensus. As Morgan (1994) points out, such bargaining assumes that reasons can be demoted to mere preferences, which in turn can be coupled with strategies, rather than rational arguments, designed to garner support for the self-interested views of the bargainer. On this interpretation, then, it is the preferences of those sitting on the evaluation committee to debate the merits and de-merits of the introduction of the “Super Tie-Break” that would determine the outcome. The “overlapping consensus” achieved would actually be based on the “bargaining power” (Elster, 1998:6) of the parties involved. We can see from the following example the way in which a member of the evaluation committee who represents the ITF, the international governing body of tennis, may bargain on behalf of an institution.

Andrew Coe (2000:1), the former Head of Product Development and Technical for the ITF, commented that the ITF’s adoption of a new larger tennis ball would reduce service domination, thus making tennis “more attractive to spectators. It will also offer greater visibility – both for the players on-court and for television viewers”. It is clear from this statement that the ITF places a high premium on ensuring maximum media coverage that will produce plenty of sponsorship for the sport. A similar argument could be put forward for the introduction of the “Super

Tie-Break". The ITF representative on the evaluation committee might try to justify the introduction of the "Super Tie-Break" by arguing that it would make the game more attractive to spectators and television viewers. Yet, much of this justification might really be disguising the institutional desire of the ITF to accommodate the wishes of sponsors and television scheduling executives in order to ensure their continued financial investment in the game. Of course, since the costs and impact of rule changes on manufacturers may be significant, the head of product development and the technical commission at the ITF is correct in saying "communication with industry is essential" (Coe, 2000:3). We have already made clear that the role of institutions, according to MacIntyre's (1985) thesis, is to organise and distribute external goods such as wealth. The ITF is responsible for finding ways to generate financial income for tennis and then reinvesting it in the sport in order to increase and improve playing facilities and increase rates of participation. Nevertheless, we have argued in this chapter that it is the internal goods of the game that are the criteria that justify changes to the practice. Thus, external goods such as wealth ought not be promoted at the expense of the achievement, promotion, development, refinement and extension of the internal goods of the game.

Historically, doubles and mixed doubles are being played less often by the top ranked singles players but increasingly by doubles specialists. Twenty years ago three of the top five doubles players in the world were also top twenty singles players, and one of those, John McEnroe, was ranked number two in the world at singles (Tennis World, 1982). As at 4th February 2002, none of the top five doubles players in the world are ranked in the top one hundred singles according to the ATP Entry System (Ace, 2002). This can be partly attributed to an already overcrowded tournament calendar, and the scheduling of doubles and mixed doubles matches at tournaments very early in the morning or at the very end of the day. As a consequence, this part of the elite game has become less appealing to players, spectators and sponsors. Matches that have the "Super Tie-Break" in place of a traditional final set will be shorter in duration than the conventional format, thus can be used to fill in gaps in television broadcasting schedules. Moreover, as soon as a match goes into a "Super Tie-break" television schedulers

will be able to predict reasonably accurately when the match will finish which will also help them with their scheduling. This makes the game more appealing to sponsors at least.

Whether or not replacing a traditional final set with a "first to ten points" format appeals to the players and spectators remains to be seen. It could be argued that the "Super Tie-Break" lessens the skill required to play the game. The skills of tennis are internal goods of the game but having such a reduced final set format might mean the outcome of a match turns on one or two key "lucky" points such as a mishit shot off the frame or a netcord. Of course the outcome of many matches with the conventional final set format often turns on points like these. What is significant, however, is that with such a reduced format there is less time for a doubles pair to recover from being on the receiving end of such a "lucky" shot. The "Super Tie-Break" could be over very quickly. By contrast, if such a "lucky" shot occurred early on in the final set of a conventional format the outcome of the match may not seem to depend so much on it. Essentially, then, the "Super Tie-Break" seems more likely to reduce the outcome of matches to luck or chance rather than skill.

The justification by the ITF representative that the "Super Tie-Break" would be more attractive to spectators and television viewers may reflect what Coleman (1990:393) argues is a social norm that says that "no one should take a position that cannot be justified in terms of benefits to the collectivity". The norm does not persuade people to become impartial, only to look as if they are. Put another way, there is a kind of misrepresentation of preferences in the sense that it is in the interests of the ITF representative on the evaluation committee to portray him or herself as being unmotivated by self-interest, where the "self" is the institution they are representing. The ITF representative deceives the other committee members about what is really motivating him or her. He or she may portray the ITF's position as being based on the ideal norms of elite tennis competitions agreed on in the "overlapping consensus" in such a way that it seems to exclude bargaining. In other words, in order to deceive the other members of the evaluation committee, the ITF representative will profess to be motivated by what

is in the interests of the game, that is, the achievement of the internal goods of the game, rather than in the interests of the institution, that is, the acquisition of external goods.

Bargaining power can also be used to circumvent force-based threats. Elster (1998) explains that force based threats are unacceptable in deliberative contexts, not because they are necessarily based on self-interest, rather, because the only force that is meant to matter is what Habermas (1990:198) calls "the force of the better argument". In order to circumvent what Elster believes is the norm that prevents someone from making a threat, the person may present the threat as a warning. We can illustrate his point in the context of elite male tennis. Suppose there is a television executive sitting on the "Super Tie-Break" evaluation committee. Rather than saying to the other members "If you vote against the proposal to introduce the "Super Tie-Break" we will completely withdraw our financial sponsorship of some minor tournaments", the television executive may say "If you vote in favour of maintaining the *status quo*, you will reduce the financial income for the sport, which I'm sure you don't want". In effect, television executives are able to use their significant economic clout to ensure that their preferences or interests are met.

5.6.2 *The marketplace*

The examples outlined above illustrate the way in which reaching a carefully calculated compromise with other members of the "Super Tie-Break" evaluation committee concerning what views are going to dominate elite male tennis, "of pulling off, in effect, a *quid pro quo* - is not a rational, normative one, but an emotivist, privatistic one" (Morgan, 1994:239). It is significant that these examples illustrate the influence that economic values seem to have on elite male tennis. The dominant beliefs and values in the marketplace are based on self-interest. Those preferences that have the most financial influence typically triumph. This is amply illustrated by Wilson, the sporting goods manufacturer, who are one of the market leaders where selling rackets is concerned, who committed themselves to marketing a tennis ball six per cent larger than the

standard ball well before the larger ball had been formally approved by the ITF (Eaton, 2001b). Thus, when the ITF's head of product development and the technical commission says, "we are sensitive to the costs and impact rule changes have on the manufacturers" (Coe, 2000:3), we need to look more closely at the implications of a marketplace rationale in sports. Morgan draws on Anderson's (1990) exploration of the ethical limits of the market in order to support his claim that we ought not to think of practice-communities in terms of the market. According to Anderson:

We can understand the nature of economic goods by investigating the ways we value commodities; the social relations within which we produce, distribute, and enjoy them; and the ideals which these relations are supposed to embody. (Anderson, 1990:180)

Anderson (1990) acknowledges that her approach is consistent with Walzer's (1983) thesis that it is possible for goods to be distributed according to their social meanings. Goods are understood as occupying different, although overlapping, spheres of life. According to Anderson, from a market perspective what is of value is simply a question of personal taste. The difficulty with this approach, she explains, is that the market reacts to reasoned and unreasoned wants and desires in the same way. Moreover, the marketplace does not provide an arena for evaluating the goods in which it trafficks. Thus:

... dissatisfaction with a commodity or market relation is expressed primarily by "exit" rather than "voice". (Anderson, 1990:182)

In other words, if people do not want or desire something they simply do not buy it. There is no public forum for people to articulate their views in a democratic way about situations they believe may need reforming. For Morgan (1994:239), then, there is a distinction to be made between "a chooser of commodities" and "a chooser of reasoned ideals". He explains that we respect the privacy of choosers of commodities by not digging too deeply into their reasons for wanting a commodity than is required to satisfy their desires. By contrast, we respect choosers of reasoned ideals, he explains, by taking seriously their reasons for a

particular belief or view, to investigate the reasons they give for their view, and, if they are convincing reasons, to grant the superiority of their view over other views. From the discussion above it seems that the members of the "Super Tie-Break" evaluation committee are best described as choosers of commodities since they appear to be vulnerable to the values of the marketplace.

We conclude thus far, that in the context of decision-makers in elite tennis at least, their vulnerability to market forces means that the "overlapping consensus" achieved is likely to be, in Rawls's (1996:146) words, "a mere *modus vivendi*". Consensuses reached may be based on criteria external to the norms of sporting practices. It is significant, however, that the discussion that has led us to this conclusion has been reached by referring to those who make the decisions about how game develops as "elite tennis decision-makers" rather than as the members of the practice-communities of elite tennis. This distinction will be returned to and developed further in the final part of the chapter below where we consider the more fundamental objection to the idea that a political conception of justice prioritises the right over the good.

5.7 Prioritising the right over the good

We noted above that Rawls (1996) developed his idea of an "overlapping consensus" to fit a liberal society in order to provide its citizens with ample scope to follow their own particular personal and frequently incommensurable conceptions of the good. We have also pointed out that the difficulty facing such a liberal society is how to achieve the social unity and cooperation necessary to ensure that it runs smoothly. The answer, Rawls believes, is to accord justice priority over the good. Thus:

The particular meaning of the priority of right is that comprehensive conceptions of the good are admissible, or can be pursued in society, only if their pursuit conforms to the political conception of justice. (Rawls, 1996:176)

In other words, he argues that justice is accorded priority over the good since the only way that a principle of conduct can function as a regulative device of society is if it gains public acceptance by the citizens of that society. Essentially, he believes that it is possible to achieve public acceptance of a system of justice, whereas it is impossible to achieve public acceptance of a particular conception of the good. In order to secure public acceptance he argues that we must search for an "overlapping consensus". Individuals must abstract from their own particular conceptions of the good in order that they may all agree on a fair and equitable way to regulate their various quests for the good life. According to Rawls (1996), then, rather than passing judgements about how people should lead their lives the state should be neutral between the different conceptions of the good held by its citizens. The state should provide only a neutral framework within which individuals are left to pursue their own conceptions of the good. We illustrate here the idea of non-neutrality between different conceptions of the good.

The British government uses some of the money it raises through the National Lottery and through general taxation to subsidise a range of sport and leisure activities they believe are valuable such as public swimming pools, municipal golf courses, the opera, and so on. They tax heavily other activities they do not believe to be valuable such as smoking cigarettes and drinking alcohol which have social costs. Suppose it is decided that it is unlawful for the government to implement judgements concerning the value of different ways of life. It would appear to follow, that choices about which kinds of life thrived and which withered away should be determined by market forces. The advantage of this approach, it could be argued, is that the allocation of resources reflects the choices of individuals. Thus, instead of politicians making deciding that some lifestyles warrant support while others should be discouraged it may seem reasonable that we should just see what people are prepared to pay for. Accordingly, if swimmers, golfers or opera goers are not prepared to pay for the real cost of a swim, a round of golf or a night out at the opera, then some may ask why it should be mandatory for people, in the form of general taxation, to give resources to subsidise them.

Rawls's (1996) "veil of ignorance", which denies people in the "original position" knowledge of the identifying characteristics of their particular conception of the good, illustrates his claim that political morality should not consider the reasons people may have for their commitments to their particular conception of the good. That justice is derived by considering what people would choose who had no knowledge of their conceptions of the good illustrates his claim that conceptions of the good are inappropriate where justice is concerned. It is imperative that we consider how his claim to neutrality relates to political morality since this is the way in which he tries to defend his theory from communitarian critics such as MacIntyre (1985), Taylor (1989), and Sandel (1998).

5.7.1 *Political neutrality*

We argued in chapter 4 that, following MacIntyre (1985), political liberalism fails to see that every human good originates from a social context, that is, all human goods emerge from overlapping communal shared practices and traditions. Society is a community connected by a shared understanding of the good for human beings and of those of community. Individuals within that community identify their primary interests by referring to those goods. Rawls (1996) argues, however, that the moral considerations that shape our private lives are inappropriate where the question of how the political structure of the community should be organised is concerned. The key question this raises is why the values that people commit to as individuals should be excluded from political morality.

What is important for Rawls (1996) is that we live in a society where all agree on its political arrangements. Given that individuals obviously differ about conceptions of the good, he argues that the only way to reach such an agreement is to put them to one side. The sense of neutrality implicit in this is significant. Rawls is careful to explain what he means by "neutrality" since there are a number of ways in which it can be understood¹⁶. He explains that the political conception of "justice as fairness" is the common or neutral ground that is the focus of an "overlapping consensus". The political conception of "justice as fairness" also

tries to satisfy what Rawls (1996:192) terms "neutrality of aim" since basic institutions and public policy are not to be designed to benefit any particular "comprehensive" doctrine of the good. Nevertheless, even though political liberalism tries to provide common ground and is neutral in aim he stresses that it may still promote some kinds of moral character and virtues so long as they are political in nature. He includes, for instance, the virtues of fair social cooperation such as civility and tolerance, along with reasonableness, and a sense of fairness, since they are shared by citizens and do not rely on any particular "comprehensive" doctrine. Thus, the neutral state, which defends the rights of citizens to seek their own conceptions of the good, is clearly not going to be equally accommodating to law-abiding citizens and, say, serial killers. Rawls does not argue that the state should be neutral where justice or the right is concerned. Rather, he argues that the state is justified in defending the rights of people in order that justice is done. It is this understanding that allows and requires the state to protect people from serial killers since the state can argue that the intended victims have a right to life.

It is significant that Rawls (1996:194) passes over the idea of "neutrality of effect" as impractical. The neutral justification of the state is not neutral in its effects since protecting people's rights benefits some lifestyles over others. We illustrate this idea here. Let us suppose the British government decides not to make judgements about which lifestyles are valuable and which are worthless. The effect will be to support low-cost lifestyles over costly ones. If, for example, they decide not to subsidise golf, and if golf is expensive compared to other sports, then those people whose conceptions of the good contains golf will lose out since government subsidy of golf currently does exist. This is not a problem for Rawls's political liberalism since the right is prior to the good, that is, people's rights come first and they constrain the conceptions of the good that people can choose to pursue. If certain lifestyles are unable to survive in such a society it is regrettable for those who favour such lifestyles but is no reason for the state to subsidise them. Instead, people must modify their conception of the good to correspond with the constraints specified by the priority of the right. Morgan (1994) argues, however, that the idea of an "overlapping consensus", which

insists we stay on the surface of things so that we may agree to disagree about the good in the interest of fairness, is not the sort of rational consensus that practice-communities are looking for. Rather, he believes that practice-communities seek:

... a consensus about the good of the kinds of life embodied in sporting practices, a consensus that is itself an important part of the glue that holds these practice-communities together. In this instance, it is the good that must be accorded priority over the right, for it is the good that determines what constitutes right conduct in a practice like sport. (Morgan, 1994:240)

In other words, Morgan (1994) is arguing that the sorts of issues that sporting practice-communities are concerned with are deeply embedded within the ethos of sporting practices. In order to determine what might be good and fair reforms for a particular sport we need to dig deep into the ethos of that particular sport. We need to be able to say what a good game is before we can say what a fair game is. If we stand too far back, or abstract from the particularity of sports, we will not be able to say what constitutes a good game for a particular sport and thus will not be able to say what a fair game for that sport is. We need, then, to provide a "thick" description of the particular problem before we can evaluate it critically.

For instance, there is the question of whether introducing innovative technological equipment into sport such as titanium baseball bats, asymmetrically dimpled golf balls, over-sized tennis racket heads, and so on, compromises the essential character of those particular sports. There is also the question of whether the integrity of sport is violated if certain substances such as steroids, amphetamines, and so on, are taken to improve performance. Similarly, the integrity of a sport may be violated if technical rule changes are introduced that drastically change the format of the game. The introduction of the "Super Tie-Break" in elite tennis is arguably one such example. There is also the question of whether particular styles of play, such as power-serving in elite male tennis, minimises its aesthetic qualities.

In order to evaluate critically these kinds of issues Morgan (1994) argues that we must carry out something much more than just a simple weighing of our preferences. Rather, he argues we must carry out a robust evaluation of how we wish our sporting practices to develop and since our identities are tied into those practices, who we wish to be. He thus concludes that Rawls's (1996) idea of an "overlapping consensus" is ruled out for practice-communities. We explore in detail Rawls's idea of the priority of the right over the good in the context of sport below in order to determine whether the idea of an "overlapping consensus" can help the members of the practice-communities of elite male tennis to evaluate technical and technological innovations in the game.

5.7.2 *Good games and fair games*

We noted above that political liberalism favours a state that is neutral between conceptions of the good but not on questions regarding justice or the right. Yet, questions concerning what is best for tennis in terms of its evolving traditions and competing styles of play concern questions about the "good" in terms of what constitutes a good game and, related to this, what constitutes a good player and a good institution. In chapter 3 we argued that what it is for a game to be played fairly is just one aspect of the ethos of that game. Games are defined by their rules. They provide the framework within which the game takes place. In essence, if there were no rules there would be no game. Yet, no system of rules exists that can detail fully every possible action in a game. To realise a meaningful game for the players there must be a shared interpretation of the fundamental rules of the game (Loland, 1998). Yet, in addition to the notion of a fair game there is the notion of a good game (Loland and McNamee, 2000). We argued in chapter 3 that another aspect of the ethos of games is the way in which, for most people, games are essentially participated in for the sake of the values realised in the games themselves including the enjoyment, challenge, exhilaration, cooperation, camaraderie, and so on, that they can provide. By and large, a game is deemed to be good if players realise these kinds of experiential qualities. Notwithstanding such experiential qualities, however, a good game is also considered good if it is a well-played game. To increase the possibility of

realising experiential values a game must provide the physical, technical and tactical ways of playing that are deemed to be the best.

Notions about the well-played game have many sources including the traditions, histories and rituals of the game, as well as its economic, social and cultural standing. Exploring these sources enables the particular experiential qualities, and the physical, technical and tactical ways of playing, to be expressed and thus differentiated from other games and practices. This coheres with MacIntyre's (1985) emphasis on the significance of the community in which individuals live. It is the community in which people live that supplies the cultural resources that enable individuals to understand themselves and the value of different ways of living. This also coheres with Walzer's (1983) culture-specific thesis that we drew on in chapter 4. We argued there that the method of "wide reflective equilibrium" is not able morally to justify one interpretation of the ethos of elite male tennis over another since it is too far removed from the practice of elite male tennis, its ethoses, histories and traditions, to have any normative force. Like MacIntyre, Walzer's culture-specific thesis is also critical of the idea of the priority of the right over the good. His criticisms are particularly relevant to the evaluation of technical and technological innovations in elite male tennis since he focuses on how we ought to understand the goods for which Rawls (1996) tries to articulate distributive principles.

The core of Walzer's (1983) argument is twofold: good-specific and culture-specific. His good-specific claim is that "different social goods ought to be distributed for different reasons" (Walzer 1983:6). He explains that different goods belong to different distributional spheres within which specific distributive measures are suitable. Justice is done, he argues, when a good education, for example, is distributed consistent with the principles particular to that good and not corrupted by goods, such as money, that belong to other spheres. His culture-specific claim is that different goods originate from different:

... understandings of the social goods themselves - the inevitable product of historical and cultural particularism. (Walzer, 1983:6)

In other words, in order to see how we ought distribute particular goods we need to examine how they are understood in the culture in question. Essentially, then, Walzer (1983) is arguing that distributive principles ought to be good-specific and that good-specific principles are culture-specific. He argues that Rawls's (1996) political liberalism is inadequate on both points. We explore first Walzer's culture-specific criticism of the priority of the right over the good in the context of the evaluation of technical and technological innovations in elite male tennis.

5.7.3 *Culture-specific*

Walzer's (1983) culture-specific criticism is directed towards Rawls's (1996) method of abstraction. According to Walzer, the contemporary system of distributive justice:

... is commonly described as the one that ideally rational men and women would choose if they were forced to choose impartially, knowing nothing of their own situation, barred from making particularist claims, confronting an abstract set of goods. (Walzer, 1983:5)

This is apparent in Rawls's (1996:178) theory since he argues that justice demands the principled distribution of what he calls "primary goods". On his list of largely institutional "primary goods" are "basic rights and liberties, institutional opportunities, and prerogatives of office and position, along with income and wealth" and "the social bases of self respect" (Rawls, 1996:181). He claims these "primary goods" comprise a minimal specification of the resources people can be presumed to need irrespective of the particular life-plan or conception of the good they may choose to follow. He claims that since the list is independent of any particular "comprehensive" doctrine it may be the focus of an "overlapping consensus". In other words, "primary goods" are neutral between the many different conceptions of the good that people pursue. As well as "primary goods" being compatible with the idea of the priority of the right there are four further different ideas of the good in his political conception of "justice as fairness".

They are the ideas of: (i) goodness as rationality; (ii) permissible comprehensive conceptions of the good; (iii) political virtues; and (iv) the good of a well-ordered political society. What is significant for our discussion of practice-communities of elite male tennis evaluating technical and technological innovations are the ideas of "primary goods" and "goodness as rationality" for together, they model what Rawls (1996:178) refers to as "the thin theory of the good".

The idea of "goodness as rationality" supposes that all those who take part in debates about justice will acknowledge particular values including the satisfaction of fundamental human needs and purposes, and support the idea of "a rational plan of life" so that individuals can organise their lives (Rawls, 1996:177). "Goodness as rationality" provides the framework to identify a practical list of "primary goods". These two ideas supply the substance for the deliberations that go on in the "original position". In other words, the ideas of "goodness as rationality" and "primary goods" provide those deliberating behind the "veil of ignorance" with something to deliberate about. The question is, then, whether the "thinness" of Rawls's theory of the good is "thick" enough for the members of the practice-communities of elite male tennis to decide what a well-played or good game of tennis is in order that they can evaluate technical and technological innovations to the game.

Walzer (1983) argues that we should not consider issues of social justice in a way that minimises particularist claims about the relevant goods. He outlines the way in which he believes that Rawls's (1996) abstraction fails thus:

The ... problem is with the particularism of history, culture, and membership. Even if they are committed to impartiality, the question most likely to arise in the minds of the members of a political community is not, What would rational individuals choose under universalizing conditions of such-and-such a sort? But rather, What would individuals like us choose, who are situated as we are, who share a culture and are determined to go on sharing it? And this is a question that is readily transformed into, What choices have we already made in the course of our common life? What understandings do we (really) share? (Walzer, 1983:5)

To illustrate his point, we can see how some of the choices the members of the practice-communities of elite male tennis have already made in the course of their common life and the understandings they share, are those technical and technological innovations that currently shape the game. For instance, most elite male players played the game wearing long trousers until the 1940s. Now, all elite male tennis players play in shorts. Even so, there is a distinction to be made. In the 1970s and 1980s players tended to play in short shorts. In the last decade, however, the fashion, (led by Nike sportswear worn by Pete Sampras and Andre Agassi), has been for players to play in long shorts. A linesperson used to monitor whether serves were faults but the "cyclops" machine we referred to in chapter 3 has been doing it at many major tournaments since it was first introduced at the 1980 Wimbledon championships. Players never used to sit down at the change of ends during a game until chairs were provided in the 1970s. Finally, we referred in chapter 2 to the way in which underarm serves were the norm until 1878 but now over-arm serving is the norm.

These technical and technological innovations are just some of the products of the ethoses, histories, traditions, and culture of the game. They cohere with MacIntyre's (1985) account of the relations between a social practice and its traditions that we explored in chapter 2. Social practices have histories and what a practice is now has been transmitted from generation to generation. Thus, it is the shared history and traditions of elite male tennis that determine the current existing standards of what constitutes a well-played or good game for the members of the practice-communities of elite male tennis. Since part of what currently constitutes a good game are the internal goods of speed and agility around the court, the fact that elite male tennis players wear shorts rather than long trousers means they have freer movement about the court. This is a technical change to the game that makes it more likely that a good game will ensue. Similarly, the fact that players now serve over-arm rather than underarm contributes to what a good game is, since over-arm serving is a more complex test of a player's hand/eye co-ordination, which is another internal good of the game. Thus, following Walzer's (1983) account, we can ask why the members of the practice-communities of elite tennis who think of themselves and the goods of

elite male tennis in “thick” culturally specific ways should discount that cultural particularity and embrace a “thin” conception of rationality when considering what principles should regulate the distribution of technical and technological goods in elite male tennis. According to Walzer, the abstract nature of Rawls’s (1996) theory of “justice as fairness” ignores the choices that people have actually made concerning the goods in their particular culture. We explore this claim here below.

According to Walzer (1983:7), “all the goods with which distributive justice is concerned are social goods”. The meaning and value of goods originates from within the communities whose goods they are. First, goods do not have natural meanings, rather, they obtain their meaning through a procedure of interpretation and understanding. Secondly, the procedure of interpretation and understanding is always a social rather than an individualistic one. Goods do not enter the world with their meanings already assigned to them except when they have been understood and created in a way that is necessarily social. It follows that such goods will have different meanings in different societies. He refers to the meaning of bread to illustrate his point: “Bread is the staff of life, the body of Christ, the symbol of the Sabbath, the means of hospitality, and so on” (Walzer, 1983:8). In other words, the same thing may have a very different meaning from one culture to another. Thus, in elite tennis, while the “whites only” rule at the Wimbledon tennis championships refers to the rule that players must wear only white clothing, in a different time and a different place “whites only” referred to the social segregation of white and black people. For Walzer (1983), the most significant aspect of the dependence of meaning on culture is that the meaning of a good and an understanding of the way in which it should be distributed go hand in hand. It follows, then, that the way a good is distributed is as inherently social as the meaning of the good. In Walzer’s words:

... it is the meaning of goods that determines their movement. Distributive criteria and arrangements are intrinsic not to the good-in-itself but to the social good. If we understand what it is, what it means to those for whom it is a good, we understand how, by whom, and for what reasons it ought to be distributed. All

distributions are just or unjust relative to the social meanings of the goods at stake. (Walzer, 1983:8-9)

We can see how this approach operates in elite male tennis. In chapter 2 we emphasised the importance of the achievement, promotion, development, refinement and extension of the internal goods of elite male tennis for the flourishing of the practice. Thus, in terms of the social good of elite male tennis, anyone who understands what the social meaning of elite male tennis is will be aware that its main purpose is to enable the internal goods of the game to be experienced. The excellences that define tennis include technical and tactical skills and abilities, competitive intensity, aesthetic qualities, anticipation, speed around the court, hand/eye coordination, and so on. These are internal goods of the game. Technical skills and athletic abilities, for example, are needed to play an all court game. The internal goods of elite male tennis, then, are inextricably bound up with the practice of tennis since they can only be had by playing the game itself. Someone can only experience what it feels like to hit a topspin serve, a sliced backhand, or a delicate drop shot, by actually hitting those shots. It follows from this understanding that the social goods particular to elite male tennis ought to be distributed in a certain way. Specifically, they ought to be distributed within the practitioners of the game, that is, the elite male tennis players themselves. Anyone who does not see this does not understand the meaning of the social good of elite male tennis. We argued earlier in this chapter, however, that those who have knowledge of the internal goods of the game can also be included in the evaluation of technical and technological innovations.

It may be possible for someone on the "Super Tie-Break" evaluation committee, for instance, to argue that economic, social, and political issues forces other considerations to be taken onto account. Someone representing the ATP may argue, for example, that the "Super Tie-Break" is the only economically viable format for mixed doubles competitions. They might argue that the tennis public is currently not interested in watching mixed doubles, and sponsors and television companies have no interest in financing it. If this is the case, however, the ATP must justify why they want to introduce distributive principles different to the

internal goods of elite male tennis. That is, they must justify why they want to distribute the social goods of elite male tennis according to economic criteria or external goods. For Walzer, then, what is problematic about Rawls's (1996) conception of "primary goods" is that:

There is no single set of primary or basic goods conceivable across all moral and material worlds – or, any such set would have to be considered in terms so abstract that they would be of little use in thinking about particular distributions. (Walzer, 1983:8)

In other words, Walzer (1983) is arguing that issues of social justice do not emerge from "primary goods". Rather, they emerge about specific goods with specific meanings in specific societies. Thus, in order to decide whether or not to introduce particular technical or technological innovations to elite male tennis, such as the "Super Tie-Break" or larger tennis balls, there must be a clear understanding of what the essential character of tennis is. Rawls's (1996) limited number of "primary goods" have a measure of abstractness that makes them impossible to apply to particular goods in particular societies in a way that is in any way illuminating. If, however, consideration is given to the social meaning of specific goods then, on Walzer's account, we will see that they already contain specific distributive principles.

5.7.4 *Good-specific*

Closely connected to Walzer's (1983) culture-specific criticism is his good-specific criticism. He argues that the social meanings of the goods in a particular society have a distinct meaning. Moreover:

When meanings are distinct, distributions must be autonomous. Every social good or set of goods constitutes, as it were, a distributive sphere within which only certain criteria and arrangements are appropriate. Money is inappropriate in the sphere of ecclesiastical office; it is an intrusion from another sphere. And piety should make for no advantage in the marketplace, as the marketplace has commonly been understood. (Walzer, 1983:10)

In other words, if we are to respect cultural particularity we must look at the ways a community understands its goods. The example of elite male tennis here illustrates how these understandings have implications for the way in which goods are distributed. We have argued that in order for the practice-communities of elite male tennis to evaluate technical and technological innovations their decisions ought to be guided by the achievement, promotion, development, refinement and extension of the internal goods of the game. These we have identified as being the excellences that define tennis including technical skills and tactical skills and abilities, speed around the court, hand/eye coordination, competitive intensity, stamina, and so on.

According to Walzer (1983), if one good is exchanged for another whose meaning is distinct then the cultural constructions concerned are violated. Characteristic of the idea of "spheres of justice", then, is that entitlements obtained in one sphere are not routinely transferred across into other spheres. Thus, an elite male tennis player ought not to be able to transfer his status, rewards, or recognition as "portable benefits" (Rustin 1995:39) from the sphere of elite male tennis in which they are earned, to another sphere, perhaps to use them as a source of power. Yet, this can and does happen. For instance, it could be argued that Goran Ivanisevic's recent conscription into the Croatian army illustrates how he has been afforded a "soft option" compared to other "ordinary" conscripts. He has been given permission by the Croatian army to continue playing tennis for the duration of his military service because of his current status as the 2001 Wimbledon men's singles champion. Elite Croatian athletes are usually exempt from doing their full military national service, doing six months rather than a full year (Ace, 2001b). Thus, Ivanisevic has been able to use or "cash in" his status, rewards and recognition gained in one sphere as a source of power in another.

Following the Walzerian thesis, the "ownership" of the good or reward is retained by the "moral community" in which it is earned rather than becoming the "property" of the individual (Rustin, 1995:39). Rustin (1995) argues that the recognition given to gifted sportspeople has this quality as it relies on a continuing

respect from spectators or peer groups. According to Rustin, recognition does not transfer easily outside these spheres of communities of value although our example above illustrates that it is not impossible. Moreover, the value of recognition must be repeatedly rediscovered and refreshed in the psyche of spectators. We can see the way in which respect is given to elite male tennis players in the way that the practice-communities of elite male tennis and their histories and traditions continue to be visible. The way in which achievements by elite male tennis players are made possible and acknowledged, and the relations between new achievements and earlier ones are very public. The ethos of elite male tennis is permeated with shared memories of individually outstanding performances, great comebacks, classic matches, illustrious careers, and so on, that exemplify creative activity. More often than not, television commentators refer to tennis matches of the past such as the classic serve-volley versus baseliner five-set encounter between Borg and McEnroe in the 1980 Wimbledon final. They also regularly contrast the numbers of titles achieved, Grand Slam tournaments won, and on what surfaces, between players of different generations, in the quest to determine who is the greatest player of all time.

This is a much "thicker" account of recognition given to elite male tennis players rather than simply comparing the money earnings of players which happens in some sports. In golf, for instance, the best players in Europe are measured by the amount of prize money won rather than the number of consistently high finishes they achieve or the quality of the tournaments they play in. The eligibility criteria to play in the Ryder Cup golf competition, apart from having to be European, is based on the prize money won from a series of qualifying tournaments. In 2001, the Swedish player, Pierre Fulke, won \$500,000 by finishing in second place in one of the most lucrative Ryder Cup qualifying tournaments. Although he did not perform well for the rest of the year the exceptionally high prize money on offer in the one tournament he did perform well in meant that he finished in the top ten earnings list and thus qualified to play in the Ryder Cup competition. Thus, even though a fellow player may have finished second in two qualifying tournaments, if the combined prize money did not exceed \$500,000 the player would be ranked

below Fulke. Such an approach, Rustin (1995) argues, indicates the invasion of a moral sphere by a more materialistic outlook.

Walsh and Giulianotti's (2001:54) discussion of the "market pathology" permeating football illustrates the extent to which a materialistic outlook can dominate a sport. Their normative critique of the "hyper-commodification" (Walsh & Giulianotti, 2001:53) of the game, including the increasing professionalisation of players and their worldwide migration, the corporatisation of clubs and their governing associations, the increased amount of merchandising, rule innovations in order to attract new "customers", and a broad redefinition of the competitive organisation and ethos of the sport, serves to illustrate the way in which money dominates the way the game of football has developed.

What is problematic for Walzer (1983:10), then, is that money is the "dominant" good. Since Walzer (1983:29) believes that "community is itself a good – conceivably the most important good" he focuses much of his attention on the importance of preventing money from dominating all spheres. He distinguishes between the notions of "dominance" and monopoly" in the following way:

I call a good dominant if the individuals who have it, because they have it, can command a wide range of other goods. It is monopolised whenever a single man or woman (...) or a group of men and women (...) successfully hold it against all rivals. Dominance describes a way of using social goods that isn't limited by their intrinsic meanings or that shapes those meanings in its own image. Monopoly describes a way of owning or controlling social goods in order to exploit their dominance. (Walzer, 1983:10-11)

Since he believes that dominance is unjust he argues that social goods should be distributed consistent with their good-specific meanings. In order to achieve this Walzer (1983:17) contends that we should think in terms of what he calls "complex equality". By this he means that we should concentrate on reducing dominance rather than breaking up monopolies. We should think about limiting the range within which particular goods can be converted and think about

distributing social goods according to their good-specific meanings. Then he asks us to:

Imagine now a society in which different social goods are monopolistically held – as they are in fact and always will be, barring continual state intervention – but in which no particular good is generally convertible. (...) This is a complex egalitarian society. Though there will be many small inequalities, inequality will not be multiplied through the conversion process. Nor will it be summed across different goods, because the autonomy of distributions will tend to produce a variety of local monopolies, held by different groups of men and women. (Walzer, 1983:17)

Thus, it is not that inequality is inappropriate within particular spheres, rather, it is what Walzer (1983:17) calls the “tyranny” of the way in which the distinct nature of the principles internal to each sphere are ignored. On his account, “complex equality” is the opposite of tyranny since it creates a series of relationships that ensures dominance is not possible. His idea is that a person’s standing in one sphere or concerning one social good cannot be undermined by their standing in another sphere concerning some other good. Thus, in order for justice to be done he argues that we must watch the barriers between goods in order to prevent conversions between goods whose meanings, and thus principles of just distribution, are distinct. In sum, we must look at the way different goods are actually understood in different societies. Thus, the interpretation of the social meanings of the goods of elite male tennis commits those involved in the evaluation of technical and technological innovations in the game to particular distributive principles.

We can now see the clear relations between Walzer’s (1983) good-specific and culture-specific approach to distributive justice. In order that justice is done each good ought to be distributed according to the principles specific to its own sphere. This is determined by interpreting its social meaning. A society is, in Walzer’s terminology, tyrannical, if one good dominates others. Domination by one particular good violates the meanings of other goods since it is disrespectful of the views of those who give the goods their meanings in the first place. It seems that we can now reject Rawls’s (1996) idea of “primary goods”. His

attempt to identify a list of “basic” goods that can be applied across cultures disrespects cultural difference and seeks an abstraction from meaning that makes goods mean nothing. Moreover, the way he seems to throw together a variety of different goods into one limited list ignores the fact that different goods ought to be distributed for different reasons. Thus, it would seem that according justice priority over the good by aiming to reach an “overlapping consensus” is too “thin” to be commensurable with Morgan’s (1994) idea of practice-communities as critical tribunals that can reach a rational consensus over disputes in sporting practices. We have argued that in order for the members of the practice-communities of tennis to be able to make rational evaluations about technical and technological innovations we first need to provide a “thick” account of the practice, its ethos, histories and traditions. This will enable an account of what constitutes a good game of elite male tennis to be developed. It is only then that what constitutes a fair game of elite male tennis can be identified. We acknowledge that the idea of an “overlapping consensus” is praiseworthy since it is more conscious of the political situatedness of decision-making than the method of “wide reflective equilibrium” we explored in chapter 4.

Yet, it seems that, following the Walzerian culture- and good-specific approach, the “thinness” of the Rawlsian idea of “primary goods” is too abstract to allow the members of the practice-communities of elite male tennis to evaluate whether particular technical and technological innovations will contribute to what their shared understanding of what constitutes a good game is. Achieving an “overlapping consensus” between the members of the practice-communities of elite male tennis does not preclude consensus reached being based on criteria external to the norms of elite male tennis. In other words, it seems that the idea of an “overlapping consensus” is too “thin” to ensure that those involved in the evaluation of technical and technological innovations in elite male tennis always base their decisions on the achievement of the internal goods of the game.

Yet, if we look again at the reason why Rawls (1996) accords justice priority over the good, we can see that his idea of an “overlapping consensus” may be able to contribute to the evaluation of technical and technological innovations by the

members of the practice-communities of elite male tennis. The idea of an “overlapping consensus” insists that we stay on the surface of things in order that we may agree to disagree about the good in the interest of fairness. We noted above that the reason why Rawls introduces the idea of an “overlapping consensus” is to provide people in a liberal society with enough scope to follow their own personal and often incommensurable conceptions of the good. If we look at the character and composition of sporting practice-communities it will become clear that, at least where tennis issues are concerned, there is already much agreement between the members of the practice-communities of elite male tennis about what constitutes a good game. In other words, it is simply by virtue of being a member of the practice-communities of elite male tennis that there is more or less agreement on tennis issues amongst its members. Thus, we believe the “thinness” of Rawls’s theory of the good is nevertheless “thick” enough to help guide the members of the practice-communities of elite male tennis in their evaluation of technical and technological innovations in the game. We explain this claim below by considering Morgan’s (1994) understanding of what it is to be a member of sporting practice-communities.

5.7.5 The character and composition of sporting practice-communities

It is fitting that we refer to Morgan’s (1994) understanding of the character and composition of sporting practice-communities, since it is his claim that the Rawlsian idea of an “overlapping consensus” is incompatible with the idea that all substantive policy decisions concerning the conduct and reform of sport ought to be determined by practice-communities. First, he explains that membership in a practice-community is not a voluntary decision and nor is the social bond articulated in that membership reducible to a contractual agreement. Rather, “the roots of such communities are deep social ones” that mould the characters and identities of their members (Morgan, 1994:234). Thus, we are socialised into sporting practice-communities from an early age. On this account, then, many elite male tennis players have been initiated into the practice of tennis by their parents or schools, as would tennis match officials, tennis coaches, tennis psychologists, tennis writers, and so on. It is during this socialisation process that

members of the practice-communities of elite male tennis first learn what it is to play a good game and a fair game of tennis. Thus, they come to know what the internal goods of the game are. Membership of a practice-community cannot be expressed in terms of a contract or agreement. For instance, the Davis Cup international team tennis competition now allows the national governing bodies of participating nations to pay their players to play in the ties. Moreover, some of the higher ranked players have been offered financially lucrative contracts in order to persuade them to commit to playing for their country in the Davis Cup. Yet, contractually committing players to play tennis does not ensure that a good game will be played. A good game cannot be bought. Rather, membership can only be secured by participating in a practice, by realising the shared experiences of the internal goods of the practice in question that connect practitioners to each other either by playing the game or having knowledge of the internal goods of the game.

Morgan (1994) also characterises the ends and aims of sporting practice-communities as shared ends and aims that cannot be reduced to merely commensurate ends. He explains that:

... it is the mark of practice-communities (...) that the aims of their members are not just compatible but shared, that they espouse and adhere to the same ends thereby obviating any need to make them compatible. (Morgan, 1994:235)

Thus, in terms of trying to come to some agreement over what a good game of tennis looks like, members of the practice-communities of elite male tennis already have a more or less shared understanding of what that is. Since they have been socialised into the sport they will know that the aim is to achieve the internal goods of the game. We can now return to our earlier discussion of whether the idea of an "overlapping consensus" is merely a "modus vivendi" in order to illustrate the point.

The distinction between "elite tennis decision-makers" and members of the practice-communities of elite tennis is significant. If an "overlapping consensus" is achieved by "elite male tennis decision-makers" then it is likely to be a "modus

vivendi". The "elite male tennis decision-makers" on the "Super Tie-Break" evaluation committee are simply a group of individuals whose aims are to ensure their individual interests, or the interests of the institution they are representing, are met. These interests may, for example, be economic or political, and can thus be understood in terms of external goods. Thus, there is no reason why consensuses reached may not be based on criteria external to the norms of elite male tennis. By contrast, if we consider the "Super Tie-Break" evaluation committee members in terms of "members of the practice-communities of elite male tennis" then it is clear that an "overlapping consensus" is not merely a "modus vivendi". The members of the practice-communities of elite male tennis have shared aims rather than individual aims, that is, they aim to achieve, either through actual experience or knowledge, the internal goods of the game. Thus, where the evaluation of technical and technological innovations is concerned it is very likely that not only will they be able to achieve an "overlapping consensus" but that it will not be merely a "modus vivendi". The level of agreement they had before the "Super Tie-Break" evaluation committee was even convened was already "thick" enough for it to be likely that they would reach an "overlapping consensus" based on the achievement of the internal goods of the game. According to Morgan (1994), then, being a member of a sporting practice-community:

... stands for a shared dedication to the good of the kind of life embodied in sport, and the standards of excellence, values, and virtues that are an integral part of that life. We can reasonably expect that the members of such a community will bring to the game a mutual appreciation of its intrinsic worth as well as a common repertoire of rational preferences, aspirations, and values regarding its proper conduct. It is this shared interest in and regard for the good of the game that brings them together in the first place, and that provides the social glue that keeps them together. (Morgan, 1994:236)

Clearly, to be a member of a sporting community is to be a part of a unique group that is characterised by its particular social bonds and commitments. Thus, Morgan (1994) is mistaken in thinking that since the idea of an "overlapping consensus" prioritises the right over the good it is not compatible with the idea of

practice-communities as critical tribunals. Being a member of the practice-communities of elite male tennis ensures there is already much agreement about what constitutes a good game of tennis such that the “thinness” of the idea of an “overlapping consensus” is nevertheless “thick” enough for the members of the practice-communities of elite male tennis to be guided by an “overlapping consensus” model in their evaluation of technical and technological innovations in the game.

5.8 Conclusion

We concur with Morgan (1994) that in order for sport to flourish all substantive policy decisions concerning the conduct and reform of sport ought to be determined by practice-communities and that the best way to achieve this is by “litigation”. More precisely, following MacIntyre’s (1985) practice-institution distinction, we have argued that the achievement, promotion, development, refinement and extension of the internal goods of the game of elite male tennis are the criteria that ought to guide evaluation of technical and technological innovations in the game. We also argued that since it is the members of the practice-communities of elite male tennis who either experience, or have a deep knowledge of the internal goods of the game, it is they who ought to carry out the evaluation.

Where we disagree with Morgan (1994), is with his claim that the idea of an “overlapping consensus” is incompatible with the idea of practice-communities as critical tribunals. He argues, and we agree with him, that we need to be able to provide a “thick” description of the particular sporting conflict before it can be evaluated critically. He argues, however, that the idea of an “overlapping consensus”, which prioritises the right over the good, is too “thin” to allow the members of sporting practice-communities to evaluate critically sporting conflicts. We have argued, contra Morgan, that in terms of tennis issues at least, the members of the practice-communities of elite male tennis have a more or less shared understanding of what constitutes a well-played or good game. Thus, the “thinness” of an “overlapping consensus” is nevertheless “thick” enough to guide the members of the practice-communities of elite male tennis in their evaluation of

technical and technological innovations in the game. Thus, the fact that Rawls (1996) prioritises the right over the good may not as inimical as it might be in other contexts where there might not already be such a shared understanding.

Nevertheless, we need to be sure that the consensus reached by the practice-communities of elite male tennis is a critically reflective one. Thus far we have simply assumed that the shared understanding by the members of the practice-communities of elite male tennis is the best understanding of what a good or well-played game looks like. Thus, whilst we acknowledge that an "overlapping consensus" model is praiseworthy since it is conscious of the political situatedness of decision-making we eschew the model as it stands since the consensus which it reaches might be based on criteria external to the norms of sporting practices. We explore in the following chapter Walzer's (1983) "social meaning and interpretation" thesis in order to develop a principled, non-subjective way of deciding how a cultural practice like tennis flourishes.

¹ The ATP Player's Council is made up of nine current players and one former player.

² Forfeit the match.

³ See, for example, Brown (1990), Arnold (1992), and Gibson (1993).

⁴ Slang for someone who does not do any sport, only sits and watches it on television.

⁵ The Master Series is made up of the ten most important tournaments after the four Grand Slam tournaments.

⁶ A survey of football spectators' perceptions of the effects of technology on "fair play" in professional football found that only 40% of spectators thought that the use of television cameras, slow motion replays and still shots had increased the level of "fair play" in the game. Although this is not an insignificant figure, 46% of those surveyed thought that such technology had no effect on "fair play". (McNamee, 2002) McNamee (2002) concludes, however, that since only 9% of those surveyed thought television technology had a negative effect on the level of "fair play" in professional football, their effects may be considered to be more positive than negative.

⁷ Rule 30, Continuous Play and Rest Periods (ITF, 2002a).

⁸ Hereafter called Man Utd FC.

⁹ Hereafter called the MMC.

¹⁰ In terms of competition in the broadcasting industry market the MMC also argued that if the sale went ahead BSkyB would gain an unfair advantage over other broadcasters. If BSkyB owned Man Utd FC competition in the sale of television rights would decrease which would result in less competition in the broadcasting industry, less innovation and less choice (Finney, 2000).

¹¹ Rawls (1996:13) defines a comprehensive doctrine thus:

A moral conception is comprehensive (...) when it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole.

¹² By "basic structure" Rawls (1996:11) means:

... a society's main political, social, and economic institutions, and how they fit together into one unified system of social cooperation from one generation to the next.

¹³ Quoted in full in chapter 3.

¹⁴ Quoted in full in chapter 3.

¹⁵ In the LTA Club Loan Terms and Conditions (LTA, 2002:3) point 1.5 on Child Protection requires that:

The Club will operate a Child Protection policy in accordance with the guidelines issued by the LTA from time to time or approved by the relevant Local Authority.

¹⁶ See, for example, Dworkin (1985) and Raz (1986).

Chapter 6

How to think critically about the ethical norms of tennis: a Walzerian analysis

6.1 Introduction

In chapter 5 we argued that the members of the practice-communities of elite male tennis ought to decide what is best for tennis in terms of its evolving traditions and competing styles of play. We also argued that the consensus reached in their evaluation of technical and technological innovations ought to be based on the achievement of the internal goods of elite male tennis. We concluded, however, that we needed to be sure that the consensus reached by the members of the practice-communities of elite male tennis about what they believe good and fair tennis to be, is a critically reflective one. Michael Walzer (1983) proposes such an account in his *Spheres of Justice*. It is premised upon the idea that cultural spheres have internal norms which must be respected and which are the basis for normative judgements about justice or goodness within that practice. One of the main objections critics have of Walzer's thesis is that once people have recognised the internal norms of a cultural sphere, those norms cannot operate as a basis for principled criticism. To the contrary, they argue that one merely secures reproduction of the prevailing conditions. Our aim in this chapter is to consider the critical implications of the "social meaning and interpretation thesis" as the most appropriate way of discerning what good and fair tennis looks like. The structure of the chapter is as follows.

First, we identify the nature of the "social critic" as captured in Walzer's (1983) thesis. We argue that members of practice-communities may be viewed under this rubric in order to give a critical role to the members of the practice-communities of elite male tennis. Secondly, we identify how Walzer's ideal "social critic" operates by articulating three key tasks. Thirdly, we develop a critique of Walzer's social meaning and interpretation thesis in the context of the evaluation of technical and technological innovations in elite male tennis. We conclude that his social meaning and interpretation thesis enriches or deepens our understanding of goods and practices. It is sympathetic to, yet critical of, the

internal goods, practice, and traditions of elite male tennis, and that decisions ought to be made by those who have experience or knowledge of the practice of elite male tennis. We begin, then, by exploring the nature of the “social critic”.

6.2 What is a social critic?

Walzer (1988) has written a detailed account of eleven 20th century social critics including Antonio Gramsci, George Orwell, Herbert Marcuse, and Michel Foucault, in order to defend and exemplify his understanding of “social criticism”. Although the discussions of each of the social critics are absorbing we focus on the broad characteristics all his social critics share in order to support Morgan’s (1994) claim that members of practice-communities of sport can be understood as social critics. We describe and explore the broad characteristics of Walzer’s social critics in order to argue that the members of the practice-communities of elite male tennis can be understood as social critics.

6.2.1 “*Working social critics*”

We explore, first, Walzer’s (1988:27) idea that all social critics are “working social critics”. According to Walzer (1988:3), “social criticism” is an “ancient and honorable” practice since it is difficult to imagine a time when men and women have ever lived together without complaining about the conditions of their common life. He supports this claim by referring to examples of social critics throughout history who have been “self-conscious”, “oppositional”, and “alienated” (Walzer, 1988:4). He refers to some of the most notable social critics in history ranging from the prophets of ancient Israel, Socrates and the preaching friars of the Middle Ages, to the Renaissance humanists, in order to defend his claim that “social criticism” as a “self-conscious” activity, a chosen role, is not a new phenomenon. Earlier critics were also “oppositional” as Socrates’ criticism of democratic government and his criticism of the individual behaviour or beliefs of particular groups of citizens illustrates. One of the earliest “oppositional” critics of sport was the 5th century B.C. dramatist Euripides who wrote:

Although there are myriads of evils throughout Greece, there is nothing worse than the race of athletes. First of all, they neither learn how to live a good life, nor could they possibly do so. For how could a man who is a slave to his jaw and obedient to his belly acquire wealth to surpass that of his father? Nor, on the other hand, are such men capable of bearing poverty and assisting fortune; for because they have not formed good habits they find things hard for them when they come to face serious difficulties. (...) ... I blame the Greek custom of assembling to watch these men and of honoring useless pleasures for the sake of a feast. For what good wrestler, what swift runner, or what man who has hurled a discus well, or planted a well delivered blow on another jaw, has ever defended the city of his fathers because of winning a victor's crown? (From the fragment ... *Autolycus*, translated by WS Oldfather from Nauck's *Tragic Greece* Euripides fragment 282, cited in Mandell, 1984:66-7).

Earlier critics were also "alienated" as the institutionally alienated monastic clergy of the Middle Ages illustrate. Walzer (1988) concludes that contemporary social critics are not unusually self-conscious, oppositional, and alienated. Rather, they are merely the most recent in a long line of social critics.

Throughout history, then, there have been, and continue to be, many different forms of "social criticism" including political censure, moral condemnation, cynical questions, satirical commentary, furious prophecy, and idealistic speculation, to name but a few. These illustrate how ordinary the practice of "social criticism" is. Yet, despite the variety and long history of "social criticism", according to Walzer (1988), all critics use moral language such as corruption, virtue, oppression and justice, to express the fundamental terms of "social criticism". We explore the language used by social critics below.

6.2.2 "Mainstream criticism"

Walzer (1988:11) is interested in what he calls "mainstream criticism", that is, with critics who stand near enough to their audience and are confident enough of their standing that they do not feel they must use highly specialised or arcane languages to communicate with them. For:

Criticism in any actually existing society ... has its own prevailing direction, fixed by the existing norms, aspirations, and ideals. (Walzer, 1988:11)

Following our exploration of Morgan's (1994) account of the character and composition of sporting practice-communities in chapter 5 we can see how Walzer's (1988) description fits with such sporting communities. There we explained that to be a member of the practice-communities of elite male tennis is to be a part of a unique association, one that is characterised by its own particular social ties and commitments. Membership stands for a shared devotion to the good of the kind of life embodied in elite male tennis, as well as the standards of excellence, values, and virtues essential to that life. Members of the practice-communities of elite male tennis bring to the game a relatively common understanding of its intrinsic value as well as a shared range of rational preferences, aspirations, and values concerning its conduct. It is this shared interest in and concern for the good of the game of elite male tennis that initially pulls them together and then provides what Morgan (1994:236) calls the "social glue" that continues to hold them together.

Morgan (1994) draws on Walzer's (1983) thesis in order to highlight the importance of locating a language that enables the members of sporting practices to satisfactorily express any concerns or grievances they may have about the conduct and reform of their sport. Emphasising the importance of the language used exposes what is problematic within the present relations between sporting practices and their institutions. In chapter 5 we explored the difficult relations between social practices and institutions. There we explained that since institutions preside over practices as "differends" the members of sporting practices are generally compelled to express their grievances in the language of institutions. The "code words" of institutions include external goods, bureaucratic authority, and due process (Morgan, 1994:241). By contrast, players and fans, and other members of sporting practices, tend to use language such as passion, courage, love, guts, grace, beauty, and so on, when talking about their sport. We noted in chapter 2, for instance, the way in which one tennis writer referred to the "graceful" and "fluid motion" of Suzanne Lenglen's tennis. There we also noted the way in which another tennis writer described the 1980

Wimbledon final encounter between Bjorn Borg and John McEnroe as being so finely balanced between the two players it was a “blur of syncopated rhythm”, a match of “guile” and sizzling” serves. This is the language of the internal goods of the game. Thus, like Walzer (1988), Morgan (1994:242) also believes “social criticism” to be an “ordinary” activity. Morgan (1994:243) contrasts the ordinary contextualised internal understandings members of practice-communities have of sport with “esoteric” contrived understandings and “common” institutionally formed understandings. We explore these contrasts below in order to show why the deliberations of practice-communities of sport ought to be discussed in terms of their ordinary understandings.

6.2.3 *Insider knowledge*

First, according to Morgan (1994), ordinary understandings of sport are the kinds of understanding attained when a person is, or tries to be, a knowledgeable participant and commentator of the practice of which they have membership. This is open to everyone who takes up sport in a serious and committed manner and endeavours to become familiar with its finer points and subtle distinctions. Thus, in elite male tennis, although there are rules and regulations governing the way the game is played, there are also conventions, or a particular ethos, that players abide by. The rules, for example, do not tell a player how hard to try in a match. Thus, the ethos can only be fully understood by devotees of the practice since they have a nuanced understanding or insider knowledge of what their particular sport is all about. Tennis players at all levels of the game, for example, generally acknowledge their good luck to their opponent when they benefit from a net cord by raising their hand or murmuring an apology, even though there is no written rule or regulation that says this must be done. A more esoteric way of speaking about tennis would be to couch issues in say, the language of rights or civil liberties. For instance, lawyers might speak in terms of the right of the individual to earn a living in order to argue against the ATP's (2002b) rule that limits the number of ATP or Challenger Series Tournaments players under the age of sixteen may play in and prohibits completely participation by any male players under the age of fourteen from playing in those events.

6.2.4 *A protective cushion*

Secondly, Morgan (1994) distinguishes between the ordinary understandings that emerge from the socialisation into sporting practices and the common understandings that emerge from the socialisation into their institutions. He believes that focusing on the socialisation into sporting practices provides a protective cushion against the corruptive effects of their institutions. We can see how the ordinary understandings we have of sporting practices may be effective against the institutionally supported socialisation that accounts for much of the corruption of sport. For instance, we can illustrate the spread of the institutionally supported "entertainment ethic" in the way that some institutions of elite tennis have welcomed, almost unconditionally, the money they get from television sponsorship, even though in doing so it has destroyed the seasonal nature of the sport and dramatically increased the duration of the playing year. The tennis season is now all year round. Yet, before the advent of television sponsorship there used to be clearly defined seasons such as the European clay court season, the British grass court season, the American hard court season, and so on. Each of these seasons culminated in a Grand Slam tournament. Players had the opportunity to plan their playing schedule so that they "peaked" for the Grand Slam tournaments and were able to take a short rest between seasons.

We have argued throughout this thesis that television sponsorship has meant more financial income for tennis that can be reinvested in order to develop the game further. Yet, one of the consequences of such long seasons, or a year-round season, is that players tend to overplay which may result in physical and/or mental injuries. Forsaking excellence for entertainment ultimately detracts from the quality of the game for the players as well as the fans. If players are physically injured and/or mentally tired then their chances of being able to experience the full range of internal goods of the game are lessened. Thus, it is less likely that the fans will see a good game being played. Morgan (1994) believes, drawing on Walzer's (1983) account of "complex equality" which we explored in chapter 5, that we can prevent the domination of the sphere of sport by the sphere of economics if we focus on our ordinary understandings of the

sphere of sport. Nevertheless, despite the ordinariness of “social criticism” the standard view of criticism is of a “detached” figure. We explore this idea below.

6.2.5 *Viewing the world from “no particular point of view”*

We argue here how the notion of a “detached” social critic ignores the cultural particularity of sports. Walzer (1988) explores the view that in order to be critical the critic must be objective and critics can achieve this by “detaching” themselves from local historical, cultural and social perspectives that they believe restricts their vision. The aim is to view the world from “no particular point of view” within it (Nagel, 1980:83). He explains that the search for a broader sphere and a universal licence was initially a Platonic impetus. On this account the critic is required to leave the city to pursue the truth, only returning to scrutinise and criticise the inhabitants of the city in an objective way. Such criticism differs from ordinary grievances as the critic stands morally and intellectually, even after his or her physical return, *outside* the city.

We can see how such a view might look in the context of sport. According to Morgan (1994:87), “by smuggling concrete descriptions into his own descriptions of sport”, the “detached” critic is then able to redescribe them in a more abstract way in order to provide them with the status of objectivity. The redescription allows the critic to create idealistic accounts of actual sporting practices without their awkward social complications. For instance, the influence that economics has on the development of sports is ignored. There are a number of ways of accomplishing this redescription¹, one of which is for the redescription of sport to begin from the notion of play. On this account, explains Morgan, sport is redefined in a way that a sport is only considered to be a sport if it is taken up in a playful way, in other words, as an end in itself. Yet, as he points out, the redescription demands that we picture sport in a socially disconnected way so that we are not put off or influenced by the myriad social interests and emotions that characterise its actual practice. This coheres with our criticism of conceptualising “fair play” as play in chapter 3. The problem is that the “detached” critic does not seem to have a manageable way of connecting the abstract ideals with the actual world in which sport and everything else takes

place. Thus, although it would be admirable if practitioners took up sports as ends in themselves, real sporting practices are rarely thought of only in terms of intrinsic ends. This is especially so in many elite sports such as boxing, football, tennis, and Formula One motor racing, where, as we pointed out in chapter 3, the financial rewards for success can be enormous in terms of prize money and sponsorship.

Although the influence of external goods such as money, as well as the fame that goes hand in hand with success at an elite level in many sports, may at times be a regrettable social development, the critic cannot ignore it. Yet, this is exactly what the “detached” critic seems to do. This is the crux of the problem for the “detached” critic, explains Morgan (1994), since the disparity between the abstract ideals of the critic and those of the practical reality of the practitioners is too wide to close. Thus, even though the critic may be able to come up with fine ideals that are worth imitating, it is the practical ineffectiveness of this approach that is its downfall.

In sum, critics who try to escape from the culture in which they live ignore the complex social quandaries that make social criticism such an important undertaking. We need, for example, to be able to explain and be critical of the relations between elite sport and economics. Contra the “detached” view, criticism is at its most powerful for Walzer (1988) when it allows the common complaints of people to be heard or explains the values underlying those complaints. In order to do this he argues that we must consider the many practices and cultural traditions of the world we live in and explore them thoroughly for persuasive and familiar beliefs that can be organised to reconstruct new social arrangements. It is for this reason that he claims it is not possible that there exists just one all-encompassing critic. This claim is explored below.

6.2.6 “Critical pluralism”

Walzer (1988) claims that there is not just one all-encompassing critic. Rather, there are many social critics and criticism comes from every direction. Such

“critical pluralism” (Walzer, 1988:16) is clearly apparent in sporting practices. We have only to look at who has a legitimate claim or share in preserving the kinds of life instantiated in elite male tennis. The principal agents of practice-communities are the practitioners. In the case of elite male tennis this means the players. Yet, following Morgan (1994) and our critique in chapter 5, there are also a number of secondary agents who have a crucial contribution to make to the flourishing of their sporting communities. For instance, coaches, sports physiologists, sports psychologists, sports nutritionists, umpires, referees and other match officials, spectators, newspaper and television journalists, sports researchers, academics, and so on, have a significant part to play in the flourishing of elite male tennis. Morgan argues that since the principal condition of membership in a sporting community is loyalty to the goods internal to its practice, we can assume there is more than a superficial understanding and grasp of the minutiae of its practice. Thus, even sports administrators, managers, and agents are eligible as social critics. They are all “working social critics” that “have something to say about the whole of society” (Walzer, 1988:27) where society is understood to mean the society or culture of elite male tennis. This coheres with our claim in chapter 5 that those who have experience or knowledge of the internal goods of the game ought to be involved in the evaluation of technical and technological innovations in elite male tennis.

6.2.7 *The “rationality of traditions”*

Despite such “critical pluralism” Walzer (1988) argues that the one thing common to the critical enterprise is that it is focused on the future. He explains that the social critic must believe that the behaviour of people can match a moral standard more closely than it does now, or that their self-knowledge can be better than it is now, or that their institutions can be organised more justly than they are now. This is not to say, however, that social critics make no reference to history. Walzer (1988) makes it clear that social critics may refer to standards of the past but the aim is that those standards will have some significance in the future. As he puts it: “If the new vision is to be persuasive ... it will have to be connected by argument to the old one” (Walzer, 1994:43). This coheres with Morgan’s (1994) claim that the way in which we arbitrate rationally between different

interpretations of the good in sporting practices is a historical procedure of justification. Drawing on MacIntyre's (1988:349) analysis of the "rationality of traditions" Morgan (1994) argues that the rational authorities of a sporting practice-community, the reasoning that goes on between the members of those communities, and the rationally authoritative interpretations that emerge from that reasoning, illustrate the best interpretation of a sporting practice so far. Thus, he understands the best interpretation of a sporting practice to be the rationally superior, most comprehensive interpretation, the one that takes the best ideas from rival interpretations but leaves out their obvious mistakes and flaws. We can see how this approach looks in the context of the evaluation of technical and technological innovations in sport.

Social critics of sport refer to the particular history and traditions of their sport in order to justify supporting or rejecting the adoption of particular technical and technological innovations. Thus, although golfers might, for example, enjoy the game of golf for friendship and exercise they might also enjoy it for the particular test of skills the game involves. A golfer must use a long club to hit a small ball into a marginally larger hole hundreds of yards away. This demands driving distance and precision as well as precise putting skills. If the golfing community sanctioned the use of a golf ball that had a built-in homing device that guaranteed a hole-in-one every shot the challenge of the game of golf would be eliminated. Thus, although sports are concerned with gaining advantages, historically and traditionally, what is at their core is the performance of human athletic ability. Without such references to the particular history and traditions of particular sports we might have technological innovations that result in golf balls that self-correct in flight, cricket balls that are regularly hit way beyond the boundaries of the grounds by aluminium bats, and tennis racket strings that turn the ordinary shots played by club players into shots that are a standard good enough to be seen at the Grand Slam tournaments.

It is significant for Morgan (1994), however, that the historical process of justification means that the best interpretation by the members of the practice-communities of a particular sport can only claim to have historical superiority over its rivals as being the best interpretation so far. It does not matter how

convincing an interpretation of a sport seems to be, the members of the practice-communities are never exempt from criticism, and they may be called on to defend their position again against rival interpretations in the future. Only those interpretations that remain after this historical test are worthy of rational support.

To sum up thus far, according to Walzer (1993:35):

Social criticism is a social activity. "Social" has a pronominal and reflexive function, rather like "self" in "self-criticism", which names subject and object at the same time. No doubt, societies do not criticize themselves; social critics are individuals, but they are also, most of the time, members, speaking in public to other members who join in the speaking and whose speech constitutes a collective reflection upon the conditions of collective life.

Members of the practice-communities of elite male tennis are eligible to be social critics simply by virtue of their experience or knowledge of the internal goods of the game. They have insider knowledge of the ethoses of elite male tennis. In this sense they are "working social critics". They are also "mainstream" critics since, where problems concerning elite male tennis are concerned, their membership in the practice-communities of elite male tennis ensures they are standing close enough to those they want to listen to them. The language "mainstream" critics of the practice-communities of elite male tennis use to explain tennis problems and issues would not be misunderstood by those listening since the critics and their audience share the same language, the ordinary language of the internal goods of the game. We explore now what it is that Walzer's (1988) social critic does in order to identify the essence of "social criticism".

6.3 What do social critics do?

The essence of Walzer's (1988) "social criticism" is interpretation. The three tasks of the social critic are that:

The critic exposes the false appearances of his own society; he gives expressions to his people's deepest sense of how they ought

to live; and he insists that there are other forms of falseness and other, equally legitimate, hopes and aspirations. (Walzer, 1988:232)

We explore each of these tasks in turn starting with the social critic's task to expose the false appearances of the society of which he or she is a member.

6.3.1 *"Holds up a mirror"*

Although the starting point for the social critic is with him or herself, the social critic speaks in the first person plural: "This is what we value and want, he says, and don't yet have. This is how we mean to live and don't yet live" (Walzer, 1988:230). Walzer (1988) explains that we are often critical of our friends and colleagues for not living up to the standards that we and they claim to respect. Our criticism, he argues, is based on the assumption that the terms of the criticism, that is, the moral references, are common to us all. A social critic who "holds up a mirror to society as a whole" is engaged in a similar activity (Walzer, 1994:42). This is a critical activity, Walzer argues, because we do not see in the critic's mirror what we would like to see. We can illustrate his point with an example from tennis.

The professionalisation of tennis has created controversy since the Second World War. By the 1960s, tennis writers had brought to the attention of players, administrators, fans, and other members of the practice-communities of tennis, the great extent to which "shamateurism" permeated the game. Before all tournaments became "open" to both professionals and amateurs alike in 1968, some players retained their amateur status yet were paid "under the table" payments by tournament promoters to play in particular tournaments. These players had an unfair advantage over their fellow amateur players since the extra income from these illicit payments allowed them to focus all their time and energy on practising and training for tournaments and enabled them to play in more tournaments. Many of their amateur colleagues, however, could not afford this luxury since they had to work. This left them with much less time to raise the standard of their play through practice, training, and playing in tournaments.

The tennis media demonstrated the unfairness of “under the table” payments by debating the issue in print. The critical force of their argument did not rely on their having any particularly utopian views about the status of tennis and the role of tennis players. Rather, the tennis writers relied simply on the fact of moral agreement. The views of the members of the practice-communities of tennis about what an unfair practice was, were the same as the views of the tennis writers. The tennis writers were drawing on the currently held belief in equality and fairness our culture has in order to show the other members of the practice-communities of tennis that “under the table” payments contravened these deeply held beliefs. Thus, the social critic aims to show “us to ourselves as we really are, all pretense shattered, stripped of our moral makeup, naked” (Walzer, 1988:231). In other words, as soon as the unfairness and inequality was *seen* for what it was by the members of the practice-communities of tennis, no further commentary was necessary.

6.3.2 *A social commentator*

The social critic is, however, also a commentator. This is the second task of the social critic, to articulate people’s sense of how they ought to live. The social critic aims to provide:

... an account or interpretation of what, in our very souls, we would like to be: all our high hopes and ideal images of self and society. (Walzer, 1988:231)

The members of the practice-communities of elite male tennis do not seem to share a particularly utopian view of the game and the players. We have only to think about the ongoing debates about technical and technological innovations, gamesmanship, verbal abuse of officials by players, unequal pay between men and women players, drug abuse, and so on, to illustrate the point. Walzer (1988) however, does not rule out idealism from social criticism. Rather, his intention is to emphasise that our hopes and ideals exist within us, “in our everyday consciousness of the moral world” (Walzer, 1988:231). He believes it is a mistake to think that in order to describe accurately the circumstances we are in we must escape or abstract from those circumstances in order to be objective.

Instead, his idea is that the social critic looks first into the mirror then forces us all to look. Thus, a social critic of elite male tennis might look at the current state of elite male tennis and then articulate to the other members of the practice-communities of elite male tennis why they ought to be striving to create a sport where every game is a good game and a fair game, where team selection is always based on merit, where male and female players are always treated equally, and so on. As Walzer puts it:

Mirrors presumably don't lie, but people learn how to look in a mirror so as to see only what they want to see. The critic points to the rest. (Walzer, 1988:232)

6.3.3 *More than one mirror*

It follows from the above two tasks that the content of "social criticism" must differ from one society or culture to the next. As Walzer (1988:232) puts it: "Whenever it points to particular images and expresses particular aspirations, criticism is a pluralizing activity". Thus, the third task for the social critic is to remind people that there are other kinds of falseness and hopes that are just as legitimate. The social critic:

... must fight against the propensity of their fellows, their fellow critics also, to think that when they look in the mirror they see the entire world. (Walzer, 1988:232)

In other words, it is impossible for one reading of a mirror or one theoretical account of social life to be able to tell the complete story. Thus, according to Walzer (1988), the social critic must acknowledge that there are other people looking into other mirrors. In terms of elite male tennis, for example, there may be many different views of how the game ought to develop. Those with an economic interest in the game such as television networks, may hope to see the game develop in a way so that it provides them with an increased and more reliable source of financial income. By contrast, educationalists may hope to see the game develop in a way that it better promotes "fair play", honesty, and integrity, in young people. Walzer is not suggesting, however, that all hopes and desires have the same legitimacy. No critic, for example, could possibly accept

the desires of a person to commit murder as being legitimate. He is also not suggesting that criticism always has a local and particular meaning. We can all agree with each other that racism or sexism in all elite sports is unjust. We do not even have to be involved in sports at all to agree with that. There are times, then, when we do all look in the same mirror.

Walzer (1988:234) argues that these three tasks of the social critic are most effectively achieved if they are carried out “within the framework of national history and culture”. We explore this idea below.

6.3.4 *History and culture*

Walzer (1988:234) makes it clear that the social critic must not resist what he calls the “powerful ... pull of the common culture”. By this he means that the social critic must speak in the ordinary language of the culture he or she is criticising in order that the criticism remains inclusive. In other words, if the social critic is to speak on behalf of others he or she must be able to speak with them. We noted above that the ordinary language of elite male tennis is the language of the internal goods of the game. Walzer explains that the social critic will probably look closely at the national history of those being criticised, finding in their past literature, art, and politics, a licence to criticise in the present. We can see how this might look in the context of the evaluation of technical and technological innovations in elite male tennis.

Suppose a former winner of a Grand Slam tournament is being critical of a proposal by an economically powerful multinational media company that has bought the sponsorship, advertising and media rights to the ATP Masters Series. The media company has proposed that there ought to be no limits placed on the technological development of rackets. They believe the game is more marketable if there is more power play; they will benefit financially. They also argue that ultimately there would be more financial income and financial security for the game and this could only be a good thing. The former Grand Slam winner is concerned, however, that such a proposal will eventually result in the complete demise of certain kinds of play that already seem to be in decline

and this would not be good for the game. He tries to speak to the hearts and minds of the members of the practice-communities of elite male tennis by reminding them of the qualities of the game that binds all the members together.

He reminds them of the different players throughout the history of the game who best illustrate particular styles of play that may be lost forever if power play is allowed to continue to dominate the game. For instance, he reminds them of the touch, feel and artistry of John McEnroe, Ilie Nastase and Ramesh Krishnan, the serve and volley technique of Rod Laver, the tactical guile of Arthur Ashe, the precision of Ken Rosewall's sliced backhand, and so on. He argues that the variety of pace, well thought out strategies, wide range of shot making, and so on, that these kinds of players exhibited, are what constitute good games of tennis. If we lose this kind of variety of play, he argues, the game will become one-dimensional.

Thus, the former Grand Slam winner draws on the history and culture of the sport in order to support his argument. Moreover, he puts his view across to the other members of the practice-communities of elite male tennis in the language they all share, the ordinary language of the internal goods of the game. He reminds them of what will be lost if economic values are allowed to dominate the future development of the sport.

To sum up thus far, we have argued that the members of the practice-communities of elite male tennis can be social critics. We have also identified that the key task of the social critic is interpretation. We turn our attention now to one of the main objections critics have to the Walzerian thesis, that once people have recognised the internal norms of a cultural sphere, those norms cannot operate as a basis for principled criticism.

6.4 Social meaning and interpretation

Walzer (1983) lays out his social meaning and interpretation thesis in *Spheres of Justice* thus:

Every social good or set of goods constitutes, as it were, a distributive sphere within which only certain criteria and arrangements are appropriate. (...) In no society, of course, are social meanings entirely distinct. (...) But relative autonomy, like social meaning, is a critical principle – indeed (...) a radical principle. It is radical even though it doesn't point to a single standard against which all distributions are to be measured. There is no single standard. But there are standards (roughly knowable even when they are also controversial) for every social good and every distributive sphere in every particular society; and these standards are often violated, the goods usurped, the spheres invaded, by powerful men and women. (Walzer, 1983:10)

One of the major objections critics have of Walzer's (1983) thesis is that social meaning cannot operate as a critical principle². They argue that deriving principles of justice from the way in which people understand the internal norms of their culture is conservative since it cannot go beyond the self-understanding of the culture itself. This criticism is particularly relevant to our thesis since we are trying to develop a principled, non-subjective decision-making method that the members of the practice-communities of elite male tennis can use to evaluate technical and technological innovations in elite male tennis. In other words, we need to be sure that the consensus reached by the members of the practice-communities of elite male tennis about what they believe good and fair tennis to be, is a critically reflective consensus. Yet, if everything, including what the practice-communities of elite male tennis decide good and fair elite male tennis looks like, relies only on the interpretation of its social meaning, it is not clear how we can avoid merely reiterating the normative understanding a culture already has of itself. We explore this problem below.

6.4.1 The "simple communitarian dilemma"

According to Cohen (1986), there are only two choices available to social critics who appeal to shared community values as a critical perspective:

If the values of a community are identified through its current distributive practices, then the distributive norms subsequently "derived" from those values will not serve as criticism of existing practices. (...) On the other hand, if we identify values apart from practices, with a view to assessing the conformity of

practices to those values, what evidence will there be that we have the values right? (Cohen, 1986:464)

This is what Cohen (1986:464) refers to as the “simple communitarian dilemma”. We can illustrate what he means in the context of elite tennis. The prize money at most elite tennis tournaments is not distributed equally between male and female competitors. At the 2001 Wimbledon championships, for example, the men’s champion received £500,000 while the women’s champion received £462,500. If we identify the values of the practice-communities of elite tennis through its current distributive practices, it seems as though we can say that it is fair that the prize money for men and women is unequal. What is problematic is that if “social criticism” derives social values from social practices it is difficult to see how these values can then be used to criticise distributive practices. On the other hand, we might first decide that it is fair to award male and female players unequal prize money and then assess whether the Wimbledon championships, for example, conforms to that value. The problem here is that if “social criticism” determines the values of a culture independent of its practices and then maintains that the practice does not conform to a particular value, it is not clear what the evidence is that can justify the interpretation of the values. Thus, according to Cohen (1986), interpretation is trapped within a circle of a culture’s understanding it has of itself. This prevents it from moving from an interpretation of social meaning to a critique of the culture.

The difficulty this raises for Warnke (1989-90) is that if we have no basis for defending our principles of justice except to say that they are derived from our shared understandings, it is not clear why should we defend rather than oppose them. We have argued, following Walzer (1988), that the most effective social critics of elite male tennis are the members of the practice-communities of elite male tennis themselves since they are connected to the practice of elite male tennis and encourage their fellow members to live up to the ideals and standards of their shared social meanings. Yet, suppose we are racist or homophobic. In football, for example, racist chanting on the terraces continues and homophobia is widespread in rugby. It is not clear to Warnke whether we should always try to realise the norms and values internal to our social meanings. Connecting

principles of justice to social meanings may involve connecting them to the ethos of a community that may be morally corrupt. Walzer (1993:69) believes his method of “internal criticism” allows a critique of a culture to take place. We explore this idea below in the context of the evaluation of technical and technological innovations in elite male tennis.

6.4.2 “Internal criticism”

According to Walzer (1993), “internal criticism” is the attempt to show a community how its own particular practices or distributive arrangements may be violating its own deep meanings. Put another way, “internal criticism” aims to show how particular practices or arrangements do not comply with the shared understandings internal to a particular way of life. He explains that sometimes we may have to acknowledge that particular actions or practices conflict with the social meaning of our norms, institutions and values as a whole. Internal critics identify those actions, practices and understandings that appear not to cohere with the overall meaning as they see it. We can illustrate how useful this approach might be to the evaluation of technical and technological innovations in elite male tennis with the “spaghetti strings” innovation we referred to in chapter 2. There we explained that the ITF banned the innovative “spaghetti strings” racket in the 1970’s because it compromised the athletic challenge of the game. The racket had caused a crisis in elite men’s tennis as those players with a low ranking who used the racket were able regularly to beat the top ranked players. The racket seemed to replace natural ability and years of practice.

Following Walzer’s (1993) account of “internal criticism”, we can say that the “spaghetti strings” racket conflicted with the internal norms of elite male tennis. The “spaghetti strings” racket meant the sport was in danger of becoming less a test of human skill and more a test of technological skill. Elite male tennis, like all sports, is constantly changing and evolving, and from time to time this includes incorporating new technical and technological innovations into the game. What makes sports unique, however, is the need to preserve the sporting challenge. Thus, the ITF needs to safeguard the integrity of the game by protecting the goods that are the essential challenge of the game. Although over

time, technical and technological innovations will be introduced into the game, the essential skills of the game, which are more or less the same now as they were a century ago, must be protected. Tennis is, and always has been, a test of technical ability, strategic skills, hand/eye coordination, hitting accuracy, explosive speed and stamina, delicate touch and raw power, and so on. These are the internal goods of the game. The achievement by the players contributes to the playing of a good game.

The ITF, then, needs to protect the technical ability to hit a top spin shot. They need to limit innovations that give the ball more revolutions or spin per second than other innovations would. Thus, in response to the complaints by many elite players as well as to the concern expressed by some national tennis federations, the ITF showed the rest of the members of the practice-communities of elite tennis how the “spaghetti strings” violated the shared understandings internal to elite tennis about what constitutes a good game of tennis.

In the sports literature concerned with the development of critical theories of sport, however, Walzer’s (1993) method of “internal criticism” is very rarely referred to. One writer who does draw on, and extends, his method of “internal criticism” in order to develop a critical theory of sport is Bill Morgan (1994) in his book, *Leftist Theories of Sport*. We explore his thesis here in the context of the evaluation of technical and technological innovations in elite male tennis.

6.4.3 “*Immanent critique*”

Morgan (1994:188) advocates what he calls an “immanent” approach to a critical theory of sport that involves searching for an internal viewpoint from which to criticise existing sports practices and institutions. He rejects the idea that there exist standards of rational acceptability in sports that are both neutral and independent of traditions. This coheres with our rejection of the Rawlsian method of “reflective equilibrium” in chapter 4 as the sole way of evaluating technical and technological innovations in elite male tennis since it ignores the diversity and the moral importance of the different cultures in which people live. Instead, Morgan (1994:188) favours an “immanent critique” of sport that focuses

on the particular social arrangements and traditions that frame sporting practices in order to determine their particular rational standards of acceptability. He argues that an "immanent critique" of sport must begin with "these ethnocentric starting points" since they are the only conceptual materials available, and needed, in order to carry out any social criticism of sport (Morgan, 1994:189). Thus:

... the job of the critic is to make explicit the normative standards we already implicitly use in the course of our sporting lives, and then to bring those standards to bear on the actual conduct of those lives. (Morgan, 1994:189)

This coheres with the tasks Walzer (1988) identifies for the social critic outlined above. The social critic draws on the standards of rational acceptability of a sport in order to tell the members of the practice-communities of that sport what social arrangements are in their best interests. Yet, like Walzer's (1993) method of "internal criticism", everything rests on whether the social critic is able to establish the legitimacy of the normative standards from which their critique of sport derives. In other words, while appealing to the normative standards embodied in elite male tennis may be a fool-proof way to develop principles of theory and practical conduct, it is not a fool-proof way to develop *critical* principles. Rather, it appears simply to be a procedure for supporting the *status quo*. Yet, as we have pointed out throughout this thesis, there are many superficial, vague, unreasonable, and conflicting beliefs embedded in elite male tennis. Thus, if social critics of elite male tennis are unable to distance themselves from these kinds of beliefs they will be unable to be critical. Morgan (1994) argues that the way to guide critical theory in an ethnocentric direction without giving up its critical convictions lies in his distinction between "vulgar" and "reflective ethnocentrism". We explore this distinction below.

6.4.4 “Vulgar” and “reflective ethnocentrism”

According to Morgan (1994:190), “vulgar ethnocentrism”:

... appeals to the *prima facie*, taken-for-granted, precritical conventions of a culture that are internalized as its dominant beliefs.

By contrast, “reflective ethnocentrism”:

... appeals to the deep, reflectively secured, critical norms of a culture, (such as the present belief in equality and fairness) that form a background repository of beliefs that can be tapped to criticize its dominant beliefs. (Morgan, 1994:190)

Morgan (1998) outlines three key differences between these two approaches. We rehearse those differences here. First, in order to determine their rational standards of acceptability of a sport “vulgar ethnocentrists” simply adopt whatever the currently prevailing conventions in a given culture are. By contrast, “reflective ethnocentrists” determine their rational standards of acceptability of a sport from whatever cultural beliefs “survive reflective scrutiny” (Morgan, 1998:83).

The second difference concerns the application of “epistemic principles” to actual beliefs (Morgan, 1998:83). Epistemic principles are those justificatory beliefs about what kinds of actual beliefs it is rationally and normatively acceptable to possess. Since “vulgar ethnocentrists” may extract their normative standards from morally corrupt conventions, if those are the dominant conventions in a culture, there is incoherence when justificatory beliefs are used to evaluate actual beliefs. By contrast, one of the key tasks of a “reflective ethnocentric” social critic is to recognise and eradicate inconsistent beliefs by searching for gaps and inconsistencies between reflectively held ideals and our actual forms of life.

The third difference concerns the room made available for rational deliberation. "Vulgar ethnocentrists" treat justified beliefs and shared beliefs as one and the same. Since many of those beliefs may be shallow and inconsistent, opportunities for rational deliberation are minimised and resisted by those who share those beliefs. "Reflective ethnocentrists", on the other hand, oppose reaching agreement based on "mere consensus". Rather, the warrants for our beliefs are derived from a consensus based on "good" grounds (Morgan, 1998:84). In sum, since "reflective ethnocentrism":

... requires the critic to stand back from particular social relations of dominance and authority, and from the dominant set of beliefs of his culture, it can function in a genuinely critical manner. And because it doesn't require him to retreat to some imagined point beyond the culture he occupies, it can function in a genuinely immanent manner. (Morgan, 1994:190)

Thus, whilst both approaches rely on the particular social arrangements and traditions of a sport, only "reflective ethnocentrism" enables the social critic to adopt a critical perspective. We explore now two criticisms Roberts (1998) has of "reflective ethnocentrism" that are particularly relevant to this thesis. We are trying to develop a principled, non-subjective, method of decision-making that the members of the practice-communities of elite male tennis can use to evaluate technical and technological innovations in elite male tennis. Yet, Roberts believes it is practically impossible to distinguish between principled convictions and unprincipled dominant beliefs. He also believes that "reflective ethnocentrism" is very limited in what it can tell members of a particular practice.

6.4.5 "Good" grounds

Roberts (1998) argues that there are practical problems where the distinction between "vulgar" and "reflective ethnocentrism" is concerned:

... problems such as knowing when one has discovered a "principled conviction" as compared with a mere "dominant belief", and with explaining how, in dynamic cultures, long-standing "principled convictions" are modified or replaced by

what are thought to be more principled “dominant beliefs”.
(Roberts, 1998:73)

This criticism is particularly relevant to our thesis since we need to know that what the members of the practice-communities of elite male tennis decide is good and fair tennis is based on “good” grounds. In other words, we need to know that what they decide is good and fair tennis *is* good and fair tennis. We argue here, contra Roberts (1998), that “reflective ethnocentrism” can distinguish between “principled convictions” and “dominant beliefs”. We begin by setting out how “reflective ethnocentrism” might look in practice.

Following our discussion above we understand the members of the practice-communities of elite male tennis involved in the evaluation of technical and technological innovations in elite male tennis to be social critics. Like Walzer’s (1988) account of the tasks of the social critic:

... the primary role of the immanent critic will remain an interpretive one, that is, one of looking, retrieving, glossing, sorting, and checking what culture has thrown her way in the effort to locate something reasonable and substantive to stake her criticisms to. (Morgan, 1994:192)

The beliefs embedded in the *ethoses* of elite male tennis are “carefully scoured” (Morgan, 1994:190) by those involved in the evaluation of technical and technological innovations in elite male tennis for normative standards that can survive reflective scrutiny. Asking the members of the practice-communities of elite male tennis about their experiences and views is the starting point for any critical interpretation of the practice of elite male tennis. Thus, they consider the experiences and views elite male tennis players have of existing technical and technological innovations since the players experience first-hand the internal goods of the game. They also consider the views other members of the practice-communities of elite male tennis, such as spectators, court officials, coaches, administrators, television executives, and so on, have of existing technical and technological innovations in the game since they have knowledge of the internal goods of the game. The idea is to gain an insight into their understanding of what good and fair tennis looks like.

By "looking" at all of the practice-communities of elite male tennis the social critics aim to have a clearer understanding of how particular technological and technical innovations may impact on the game as a whole. For instance, they may see how the introduction of the "Super Tie-Break" may be of financial benefit to both television companies and those tennis institutions involved in developing the game by reinvesting financial income in building more playing facilities, offering more tennis coaching programmes, and so on. Yet, at the same time they may see that the "Super Tie-Break" diminishes the experiential quality of the game for the players. The players may argue that the "Super Tie-Break" is dissatisfying to play since it is a shortened version of the game that does not test fully who is the strongest, fittest and therefore the best doubles team.

The social critics carry out a process of "retrieving" the written and verbal history and traditions of the game that are relevant to their evaluation of technical and technological innovations. They may, for example, retrieve information from the main canonical texts of tennis such as the rules of tennis. This will show the ways in which the rules have changed over time. This may help them to consider the impact previous innovations have had on the game. They may also retrieve information from tennis books and magazines that informs them how technical and technological changes have been perceived throughout the history of the game by the players, the fans, and so on. Whether previous technical and technological innovations have been perceived by the players as being good for the game and fair to the players may help the social critics in their evaluation of any current proposals. They may speak to former elite players in order to gather information about their experiences of previous technical and technological innovations.

For instance, the introduction of the tie-break in the 1970's was a radical change to the way in which sets were decided. Thus, the views and experiences of those elite male tennis players who played the game before and after the tie-break was introduced may be particularly relevant where the evaluation of current proposals are concerned. Their understanding of whether the tie-break was good for the

game and fair to the players may have been helpful in the evaluation of the "Super Tie-Break". By "glossing" or skimming over as much information as possible, from as many different sources as possible, whether written or verbal, the social critics aim to ensure their analysis is as far reaching as it can be.

The social critics can then go through a process of "sorting" through the information collected in order to clarify what is and is not relevant to their evaluation of technical and technological innovations. They disregard as irrelevant information that does not refer to good and fair games. The remaining information can then be prioritised. For instance, those views of technical and technological innovations that cohere with the achievement of the internal goods of the game have priority over those views that concern the acquisition of external goods. Finally, the social critics will go through a process of "checking" through all the information they have collected in order to ensure they have left nothing out of their investigation.

This process of critical interpretation ensures that the social critics involved in the evaluation of technical and technological innovations have something sound and substantive to pin their criticisms on. It ensures there is "consensus based on good grounds" rather than "mere consensus" itself (Morgan, 1998:89). The technical and technological standards that are derived from such a process are "principled convictions" or "justified beliefs" since they have been able to "survive reflective scrutiny" by the members of the practice-communities of elite male tennis involved in the evaluation of technical and technological innovations. In other words, the process of critical interpretation outlined above ensures that good moral grounds for holding them have been determined.

The social critics evaluating technical and technological innovations in elite male tennis are then able to inform the other members of the practice-communities of elite male tennis of the technical and technological innovations it will be in their rational interests to adopt. They will be able to say what a well-played game of tennis looks like and what it is to play a fair game. By contrast, social critics who are "vulgar ethnocentrists" do not scour the practice-communities of elite male tennis and interpret what they find. Rather, they simply accept any

“dominant beliefs” as read regardless of whether or not they are morally “justified beliefs”. Thus, although a “dominant belief” may be a “shared belief” it does not automatically follow that it is a morally “justified belief”. Such beliefs will remain unprincipled unless they have survived the process of critical interpretation described above.

In sum, it is possible to distinguish between “principled convictions” and unprincipled “dominant beliefs”. Thus, Roberts (1998) is mistaken in thinking that “reflective ethnocentrism” cannot be critically reflective. Differentiating “principled convictions” from unprincipled “dominant beliefs” is an important way to justify the beliefs we possess. Moreover, it is not a new approach. In chapter 5 we explored the way in which Rawls (1996) makes this same distinction in his account of a political conception of justice. According to Rawls (1996:8), in order for a political conception of justice to be acceptable it “must accord with our considered convictions”, those “settled convictions” such “as the belief in religious toleration and the rejection of slavery”. We explore now Roberts’s (1998) second related objection to the method of “reflective ethnocentrism”.

6.4.6 *The best account so far*

Roberts (1998) argues that Morgan’s (1998) account of “reflective ethnocentrism” is very limited in what it can tell members of a particular practice. This is based on the premise that:

Since there are no non-circular arguments to justify one set of foundational beliefs over another, “true” and “rational” can only mean something like “internal coherence”. (Roberts, 1998:77)

Following his account, social critics of elite male tennis will not be able to say whether particular technical or technological innovations are good and fair. Rather, they will only be able to say if what they decide the standards of rational acceptability about what constitutes a good and fair game of tennis are consistent with the actual beliefs the members of the practice-communities of elite male tennis hold about what constitutes a good and fair game. For Roberts (1998),

then, the social critic is reduced simply to ensuring that the second-order, normative justificatory beliefs (the rational standards of acceptability) by which a community assesses its first-order, actual beliefs, are consistent with each other. In other words, it is not what the members of the practice-communities of elite male tennis believe that is important. Rather, it is important only that their justificatory beliefs cohere with their actual beliefs.

Morgan (1998) acknowledges the difficulties involved. He agrees with Roberts (1998) that no non-circular arguments exist that can resolve disputes between different foundational beliefs since there are no natural, unbiased, tradition-free criterion that can be drawn on to settle such disputes. Where Morgan believes Roberts is mistaken is in thinking that "reflective ethnocentrism" relegates "truth" and "rational" to internal coherence, that if unethnocentric starting points are not available then there is no way of resolving different claims of truth and reasonableness on ethnocentric grounds. We support Morgan's view since we have argued above that a key task for those involved in the evaluation of technical and technological innovations in elite male tennis is to look at, retrieve, gloss, sort, and check through the different beliefs embedded in the ethos of elite male tennis in order to persuade the other members of the practice-communities of elite male tennis why some beliefs have more of a claim than others in terms of what it is to play a good and fair game. Thus, we argue here against the claim that if we give up on the idea that there can be natural, unbiased, tradition-free criterion to evaluate technical and technological innovations in elite male tennis, "rational" can only mean internal coherence.

According to Morgan (1998), the issue is not whether the second-order, justificatory beliefs of a community are consistent with their first order, actual beliefs. Rather, what is important is the quality of the material that constitutes the second-order justificatory beliefs, that is, the standards of rational acceptability. Morgan (1998:97) believes that instead of "retreating behind" notions of consensus and internal coherence, whether we keep our current beliefs or replace them with new beliefs always involves a process of argumentation. In terms of the evaluation of technical and technological innovations in elite male tennis the idea is to, say, compare the belief that changing the seeding structure at

Grand Slam tournaments to include 32 rather than 16 seeds will be good for the game and fair to the players, with the belief that retaining the current format of 16 seeds only will be good for the game and fair to the players. Only those beliefs that cohere with the standards of rational acceptability of elite male tennis concerning good games and fair games are justified beliefs. We agree with Morgan's view even though we argued in chapter 5 in favour of the Rawlsian idea of an "overlapping consensus". We did not argue there in favour of "retreating behind" the idea of an "overlapping consensus". Rather, we argued simply that the idea of an "overlapping consensus" can make a valuable contribution to the evaluation of technical and technological innovations in elite male tennis since it raises our awareness of the political situatedness of decision-making. We agree with Morgan since we believe that whether or not the members of the practice-communities of elite male tennis involved in the evaluation of technical and technological innovations keep hold of their current beliefs about what they consider to be good and fair tennis or reject them in favour of a new set of beliefs, always involves a process of working through the arguments for and against a particular proposal in order to determine which set of beliefs "survive reflective scrutiny".

There are two points to be made about this process of argumentation that are particularly relevant where the evaluation of technical and technological innovations in elite male tennis is concerned. First, as we outlined above, we are committed to the idea that justification must be based on good grounds. Thus, the members of the practice-communities of elite male tennis involved in the evaluation of technical and technological innovations in the game must take seriously all and any new beliefs concerning what constitutes good and fair tennis. This will ensure that even the most radical proposed changes are taken seriously rather than rejected at the outset. If they avoid this challenge they will undermine their own credibility and leave themselves and the process of critical interpretation open to charges of conventionalism or conservatism.

The second point is that whatever set of beliefs about what constitutes good and fair tennis wins the day after surviving the reflective scrutiny of those involved in the evaluation, their claim as to what constitutes good and fair tennis is only what

Morgan (1998:98) calls “provisional”. We are unable to claim that our beliefs are correct even if they have survived our reflective scrutiny since there does not exist a set of facts, what Anscombe (1958b) calls “brute facts”, about which we could be correct. Rather, there are only the culture- and good-specific meanings and interpretations of different cultures, including sporting cultures, available to us. Morgan (1994) acknowledges that the way in which social critics depend on the conceptual resources of their own culture and on critical interpretation as the best way to access those resources says only that as matters currently stand they have all the conceptual tools they require to start the critical process. He recognises that the better reasons that authorise standards of rational acceptability, as well as the process of critical interpretation from which such standards are selected, are as historically dependent as the worse reasons rejected by the social critic. He concedes that if those better reasons are themselves questioned, the social critic does not have any alternative noncircular justificatory process available. Yet, this is not to say “that any particular belief is forever immune from criticism” (Putnam, 1987, quoted in Morgan, 1994:192). Rather, the social critic must acknowledge simply that:

This is where my spade is turned *now*. This is where my justifications and explanations stop *now*. (Putnam, 1987, quoted in Morgan, 1994:192) (*emphasis thus*)

In other words, better reasons may be around the next corner. Thus, whilst the members of the practice-communities of elite male tennis involved in the evaluation of technical and technological innovations in the game may have a shared understanding of what constitutes a good and fair game of tennis they cannot claim that this is *the* correct understanding. Rather, by going through the process of critical interpretation and argumentation outlined above they can claim only that it is the best interpretation so far of what constitutes a good and fair game of elite male tennis.

6.5 Conclusion

We agree with both Walzer’s (1983) and Morgan’s (1994) shared perspective that there does not exist an ultimate court of appeal or account of abstract justice

that is rich enough or “thick” enough to justify one set of beliefs over another. Rather, all beliefs emanate from the interpretation of situated social meanings. Accordingly, the resources for a critique of elite male tennis are internal to the practice itself, that is, they originate from within the practice of elite male tennis. The social traditions of elite male tennis are both the starting point and the framework to evaluate technical and technological innovations in the game. “Internal criticism” subjects the practice-communities of elite male tennis to a critical evaluation by detailing the rational standards of acceptability of the practice. The internal goods of the game inform, shape and support the normative standards of the game. These standards can then be used to evaluate any proposed technical and technological innovations to the game. This allows those members of the practice-communities of elite male tennis involved in the evaluation of technical and technological innovations to determine whether particular innovations are ethically justified, that is, whether they are good and fair. Only those technical and technological innovations that survive the reflective scrutiny required by “reflective ethnocentrism” ought to be implemented.

Yet, this seems to mean that “internal” or “immanent” criticism is bound to be prejudiced. Where the evaluation of technical and technological innovations in elite male tennis is concerned, however, this is not as problematic as it seems. We have argued in chapter 5 that the members of the practice-communities of elite male tennis ought to decide whether or not particular technical and technological innovations are implemented. It is to be expected, therefore, that their views will be prejudiced in favour of whatever innovations contribute to the achievement of the internal goods of the game since this is what constitutes good and fair tennis. We have shown that Walzer’s (1983) social meaning and interpretation thesis is sympathetic to, yet critical of, the internal goods, practices, and traditions of elite male tennis, and that decisions ought to be made by those who have experience or knowledge of the practice of elite male tennis. We conclude, therefore, that his social meaning and interpretation thesis enriches or deepens our understanding of goods and practices. In the following, final chapter, we present a tradition-practice bound decision-making model that can be used to evaluate technical and technological innovations in elite male tennis

which is transparent, democratic, and respectful of the traditions and internal norms of tennis.

¹ In our critique of game formalism in chapter 3, for example, we explored briefly the problems involved in the idealistic redescription of sport that says a sport is only a sport only if none of its rules are broken. See D'Agostino (1981) for a full critique of this approach.

² See, for example, Dworkin (1983) and Daniels (1989).

Chapter 7

Tradition-practice bound reasoning

7.1 Introduction

The aims of this thesis have been to establish which criteria are selected to justify innovations that will benefit the practice of elite male tennis while simultaneously safeguarding its integrity, and who ought to determine them. Thus, first, we aimed to determine if there is a way of developing a principled, non-subjective, debate about how a cultural practice like tennis flourishes. Secondly, we aimed to determine who ought to decide what is best for elite male tennis in terms of its evolving traditions and competing styles of play. The key contribution of the thesis has been the development of a unique methodological approach to the evaluation of technical and technological innovations in elite male tennis. The objective was to accommodate successfully two contrasting philosophical traditions that have themselves been taken as the cornerstone of competing ethical traditions; the good and the right.

In chapter 2 we developed a normative account of “fair play” from MacIntyre’s (1985) neo-Aristotelian position. The account emphasised the importance of internal goods, practices, and traditions, and that decisions ought to be made by those who have relevant experience or knowledge of the practice of elite male tennis. This account, however, failed to provide a decision-making method and is vulnerable to the criticism that it is inherently conservative.

In chapter 3 we explored critically some of the main philosophical treatments of “fair play” in order to formulate and present a preferred conception of “fair play” which is situated within elite male tennis. We discussed “fair play” as: formalism; understood in terms of virtues; play; respect; a contract or agreement, and; a system of rational norms. We argued that all these accounts were lacking since they failed, in varying degrees, to consider the ethos of games. We concluded, however, that

understanding “fair play” as the ethos of games is also lacking since it is not conscious of the political situatedness of decision-making. Thus, understanding “fair play” simply in terms of the ethos of games does not morally justify one interpretation of the ethos of a game over another. What we needed was a method that systematically and critically viewed the ethos to which it was suggested we adhere to in order to justify that particular ethos or interpretation of the game. We considered three theses that might fill this lacunae and from which a rational decision-making method to evaluate technical and technological innovations in elite male tennis could be developed.

First, in chapter 4 we focused on the question of *how* we ought to select the criteria to justify technical and technological innovations that will benefit the practice of elite male tennis while simultaneously safeguarding its integrity by exploring Rawls’s (1971) method of “reflective equilibrium”. This method allows us to clarify issues, and is both systematic and democratic, where democratic is understood to denote inclusive. We rejected this method, however, since it is too far removed from actual sporting practices, their ethos, histories and traditions, to have any normative force. Thus, whilst “reflective equilibrium” is a praiseworthy procedure for evaluating technical and technological innovations in elite male tennis it is too “thin” a method since it disregards the diversity and the moral importance of the different cultures in which people live in general and in tennis more specifically.

Secondly, in chapter 5 we considered *who* ought to determine what criteria are selected to justify technical and technological innovations that will benefit the practice of elite male by exploring Rawls’s (1987) “overlapping consensus” model. We argued that in order for sport to flourish all substantive policy decisions concerning the conduct and reform of sport ought to be determined by practice-communities. We also argued that an “overlapping consensus”, which prioritises the right over the good, can help guide the members of the practice-communities of elite male tennis in their evaluation of technical and technological innovations to the game. Nevertheless, although this model is conscious of the political situatedness of

decision-making we eschewed it since the consensus which it reaches might be based on criteria external to the norms of sporting practices.

In order to ensure that the consensus reached is based on a critical consensus of the internal norms of sporting practices we considered in chapter 6 Walzer's (1983) thesis that cultural spheres have internal norms which must be respected and which are the basis for normative judgements about justice or goodness within that practice. We argued that his "social meaning and interpretation thesis" enriches or depends our understanding of goods and practices. It is sympathetic to, yet critical of, the internal goods, practices, and traditions of elite male tennis, and that decisions ought to be made by those who have relevant experience or knowledge of the practice of elite male tennis.

We conclude the thesis in this chapter by arguing in favour of the necessity of a tradition-practice bound decision-making model to evaluate technical and technological innovations in elite male tennis. We begin by discussing why it is important that, in the context of elite sports at least, and in elite male tennis specifically, we ought to prioritise the good over the right. We follow this by illustrating what a tradition-practice bound decision-making model might look like in practice in the evaluation of technical and technological innovations in elite male tennis. In the penultimate section of the chapter we outline some of the limitations of a tradition-practice bound decision-making model including whether or not we are forcing the method of "reflective equilibrium" and the idea of an "overlapping consensus" into doing something that they were never designed to do. In the final section we conclude that despite its limitations a tradition-practice bound decision-making model has a valuable contribution to make to the ethical evaluation of technical and technological innovations in elite male tennis since it is transparent, democratic, and respectful of the traditions and internal norms of tennis. We begin, then, by discussing why it is important that, in the context of elite male tennis at least, we ought to prioritise the good over the right in order to evaluate technical and technological innovations.

7.2 Prioritising the good over the right

Two points have emerged from this thesis that can be made in defence of prioritising the good over the right where the evaluation of technical and technological innovations in elite male tennis is concerned. We explore these here.

7.2.1 Necessarily social or communal beginnings

The first point is that people necessarily obtain the understandings they have of themselves and their conceptions of the good from their particular social environment. In chapter 5 we highlighted the significance of socialisation processes when we explored Morgan's (1994) idea that the roots of practice-communities are deep social ones that shape the character and identity of the people in those communities. We are socialised into sporting practice-communities from a young age by our parents, peer group, school, and so on. It is within this environment that we learn what it is to play a good game of tennis. Here we learn to recognise and appreciate the qualities and subtleties of the game that differentiate bad games from good games and good games from great games. For instance, the courage and skill that it takes to hit a slice second serve deep into the corner of the service box at break point down in the final set of a match is different to hitting the same serve at the beginning of the first set. By experiencing this ourselves, relative to whatever level we ourselves play the game, we can appreciate such nuances. We do not have to be elite male tennis players to achieve tennis excellence or to play a good game of tennis. MacIntyre's (1985) concept of the internal goods of games allows for different levels of attainment, different standards of excellence. Yet, even if we do not play the game ourselves we can acquire knowledge of the particular nuances of tennis. For instance, expressions such as "break point", "game point", "set point", and "match point", signify the key points in a game. This is one way in which we can learn to appreciate the way in which tennis points are more or less significant depending on the situation and score.

This coheres with the way in which we saw in our exploration of Walzer's (1983) "social meaning and interpretation thesis" in chapter 6 that it is impossible to conceive of language, moral reasoning, or moral life beyond a social setting. The meaning and value of particular goods originate from within the communities whose goods they are. They do not have natural meanings. They gain their significance through a process of interpretation and understanding and this is always social rather than individualistic. Thus, we can only understand what a good game of elite male tennis is by asking the members of the practice-communities of elite male tennis what they understand it to be since they have the appropriate experiences. In particular, it is the elite male tennis players themselves who know best what the qualities of a good game of elite male tennis are since they experience first-hand the internal goods of the game.

Yet, this is not to say that those members of the practice-communities of elite male tennis who are not elite players and not male players cannot contribute to the debate about what constitutes a good game of elite male tennis. It is possible, for instance, for female, non-elite, non-playing members of the practice-communities of elite male tennis to be able to contribute to the debate. So long as they have knowledge of the internal goods of the game they can participate in the debate. The accent here on good- and culture-specific grounds for decision-making in elite male tennis is in stark contrast to the way in which Rawls (1971) method of "wide reflective equilibrium" disregards the way in which people are dependent on their culture for their self-understanding and for their conception of how they ought to lead their lives. Thus, we are arguing in this thesis that the origins of people's conceptions of themselves and of what makes their lives valuable or worthwhile, in terms of how they ought to live their lives, has necessarily social or communal beginnings.

7.2.2 *The good defines the right*

The second point concerns the content of people's conception of the good. Rawls (1996) cultivates a particular understanding of a person's relationship with their community that ignores other ways of thinking about that relationship. In chapter 4 we argued that Rawls seems to see society as simply a cooperative project for the search for individual gain; as a private association created by individuals whose interests are defined independently of the community of which they are members. He thus demotes conceptions of the good that have a strong communal content, that insist that social ties are inherently valuable beyond any value they might have as a means of achieving individual goods. In other words, he disregards the way in which people are attached or connected to the communities of which they are members. MacIntyre (1985) sums up the communitarian perspective on this individualistic political way of thinking thus:

It is ... as though we had been shipwrecked on an uninhabited island with a group of other individuals, each of whom is a stranger to me and to all the others. (MacIntyre, 1985:250)

It is this kind of individualism that prevents a Rawlsian approach to decision-making from having the rational grounding it requires. If we understand the evaluation of technical and technological innovations in elite male tennis simply in terms of individuals striving to attain goods then having a Rawlsian based decision-making procedure in place will probably be adequate enough for those with an interest in elite male tennis to reach a consensus. Individuals representing themselves, (or individuals representing institutions), may achieve goods for themselves or their institutions through a process of bargaining and negotiation. We argued in chapter 5, however, that the "sectional interests" of individuals or institutions such as racket manufacturers, the ITF, players agents, tennis sponsors, and so on, are generally not expressed as an interest in the achievement of the internal goods of the game. Rather, they are more likely to be related to economic interests such as how to increase company profit margins or how to increase personal wealth. These are

external goods. Thus, any “overlapping consensus” achieved by those involved in the evaluation of technical and technological innovations in elite male tennis will effectively be a “modus vivendi”. Yet, as we argued in chapter 5, it is the achievement of the internal goods of the game that is the criterion that justifies innovations to the practice of elite male tennis. Thus, whilst an “overlapping consensus” model is morally praiseworthy since all those with an interest in how elite male tennis develops can participate, merely reaching a consensus is neither a good nor a fair method since consensus reached may be based on criteria external to the norms of elite male tennis.

In order to evaluate technical and technological innovations in elite male tennis, then, it is clear that what is good for the game ought to be prioritised over the development of a fair decision-making procedure. This is not to say, however, that we should not strive to have a fair decision-making procedure in place. Rather, as Taylor (1989:89) puts it:

... the good is always primary to the right ... the good is what, in its articulation, gives the point of the rules which define the right.

In other words, although a fair decision-making procedure is undoubtedly important we can only determine what that is after we have determined what a good or well played game of elite male tennis looks like. Then the decision-making method will be fair because it will have been driven by, and shaped by, what constitutes a good or well-played game. In terms of evaluating technical and technological innovations in elite male tennis, then, we have argued that what is in the interests of the game is the achievement, promotion, development, refinement and extension of the internal goods of the game. This determines what will be a fair decision-making procedure. Thus, the idea of an “overlapping consensus” model, which excludes anything more than a “thin” theory of the good, is essentially unintelligible since we cannot do without the extensive and important qualitative peculiarities and particularities that constitute a “thick” theory of the good. Without them we are unable to express the moral point of our actions and feelings. Thus, using only an “overlapping

consensus” model to evaluate technical and technological innovations in elite male tennis is too “thin”. All the same, we argued in chapter 5 that the “thinness” of the idea of an “overlapping consensus” is nevertheless “thick” enough to help guide the members of the practice-communities of elite male tennis in their evaluation of technical and technological innovations to the game. We will return to this idea in the following section.

In sum, Rawls’s (1996) thesis is based on the idea that since we are likely to have conflicting conceptions with others about what the good life is we must leave out any understanding of the good life we may have from the principles of justice we develop. Yet, as we have seen in both MacIntyre’s (1985) and Walzer’s (1983) theses, we need to strive to establish and preserve the kind of shared communal understandings of the good that Rawls rules out from our deliberations about justice in order that those deliberations can be thought of as rational or objective. Thus, following both MacIntyre’s and Walzer’s theses, we present below a tradition-practice bound reasoning model that provides a rational grounding by which technical and technological innovations in elite male tennis can be evaluated. Whilst our model prioritises the good over the right we have adopted and incorporated into our model certain features of Rawls’s method of “reflective equilibrium” and the idea of an “overlapping consensus”. We outline our model below.

7.3 A tradition-practice bound reasoning model of decision-making

In this thesis we have been trying to determine who ought to decide what is best for elite male tennis in terms of its evolving traditions and competing styles of play. We have also been trying to determine if there is a way of developing a principled, non-subjective, debate about how a cultural practice like tennis flourishes. We have been trying to determine what good and fair tennis looks like and how we can be sure that what we decide is good and fair *is* good and fair. We will develop answers to these questions in the remainder of this chapter. We present here a tradition-practice bound reasoning model for the rational evaluation of technical and technological

innovations within the practice of elite male tennis. The model will be based on an articulation and/or extension of MacIntyre's (1985) and Walzer's (1983) theses. Walzer's thesis is premised upon the idea that cultural spheres have internal norms that must be respected and which are the basis for normative judgements about justice or goodness within that practice. His thesis is underpinned by an articulation of MacIntyre's neo-Aristotelian position that emphasises the importance of internal goods, practices, and traditions, and that decisions ought to be made by those who have experience or knowledge of the practice in question. We illustrate here how our tradition-practice bound reasoning model can be used to evaluate in a principled, non-subjective way, a particular technical innovation in elite male tennis. We explore the "short sets" innovation currently being trialed by the ITF.

7.3.1 *"Short sets"*

We established in chapter 2 that the scoring system in elite male tennis has either a "best of three sets" or a "best of five sets" format. The first player to reach six games in a set by two clear games wins the set. If the score in a set is five games all then a player must win the next two games to win the set seven games to five. If the score reaches six games all in any set other than the final set then a tie-break will determine the winner of the set. If the score is six games all in the final set there is the option, which must be specified in the rules of that particular tournament, to play a final set tie-break to determine the winner of the final set and hence the match. The ITF has been testing an alternative "short sets" scoring system at some tournaments. The "short sets" format is as follows:

Matches will be the best of five sets. The first player/team who wins four games wins that set, provided there is a margin of two games over the opponent(s). If the score reaches four games all, a tie-break shall be played. Possible scores in a set: 40 41 42 53 54. Examples of a score in a completed match: 41 35 42 45 41. (ITF, 2002b)

This is a substantive case for us to explore since the ITF have been trialing this alternative scoring system since July 2000 at some lower level men's circuit

tournaments. If they consider the format to be successful they aim to extend the trial to include ATP level events, that is, those events at the highest level of the game. If the “short sets” format is eventually adopted at the highest levels of the game it will be a radical departure from the way the game has been played since its codification in 1877.

Elite male tennis players are generally against the “short sets” proposal, arguing that reducing the number of games needed to win a set in this way does not test fully their technical, tactical, mental and physical skills. In effect, they are claiming that the new format violates the core norms and values on which tennis is traditionally based. The ITF, television companies, and sponsors of the game, are generally supportive of the proposal, arguing that “short sets” would be more exciting for spectators and require a shorter attention span by them, be more time-compact and thus more amenable to television schedulers, yet still be a fair test of the technical, tactical, mental and physical skills of tennis. The problem is, then, how we are to evaluate critically these conflicting views in order to reach a conclusion that is not only rational but is also the best possible one for elite male tennis.

7.3.2 Which criteria will justify technical and technological changes to elite male tennis?

According to our tradition-practice bound reasoning model we first need to determine which criteria will justify changes to the practice of elite male tennis while simultaneously safeguarding its integrity. Understanding what the criteria are will determine who ought to be on the evaluation committee. Let us suppose for now, however, that a variety of interested parties that includes individuals, (and individuals representing their institutions), who all have an interest in how elite male tennis develops, have formed an evaluation committee. Before they can evaluate the “short sets” proposal they first need to consider more closely elite male tennis competitions so that they can find some kind of critical criteria upon which they can carry out their evaluation. Elite male tennis competitions can, following our analysis

in chapter 3, be understood as an institutionalised practice since they are defined and regulated by rules and norms commonly known and acknowledged by elite male tennis players and those connected to the game. The constitutive and regulative rules of the game are laid out in the rules of tennis. Nevertheless, no rule system can account for every kind of action within a game. Thus, the rule system of elite male tennis must be interpreted in the process of realising the rules. Put another way, elite male tennis is engaged in according to a set of social norms or the ethos of the practice.

We argued in chapter 3 that “fair play” is best understood as the ethos of a game. Thinking of elite male tennis in this way can be a source of value in the sense that it can contribute to our understanding of the game through the exploration of its social, cultural and historical context. The issue is, however, whether the ethos has normative force, that is, whether the conventions of elite male tennis articulate what ought to occur in the game as well as describe what actually occurs in the game. Thus, understanding “fair play” simply in terms of the ethos of the game does not morally justify one ethos of a game over another. What we require is a method that systematically and critically views the ethos in order to justify that particular ethos or interpretation of the game over other interpretations. Thus, a rational evaluation of the “short sets” proposal that is the best possible one for elite male tennis must build on something more than just the basic structures of the game.

Our exploration of MacIntyre’s (1985) practice-institution distinction in chapter 5 illustrated the importance of the internal goods of the game for the flourishing of the practice. Elite male tennis players experience first-hand the excellences that define elite male tennis including technical and tactical skills and abilities, competitive intensity, aesthetic qualities, stamina, anticipation, speed around the court, hand/eye coordination, and so on. It is the realisation of these internal goods by the players that constitutes a good game of tennis. It follows that if these internal goods are eliminated or lessened too much then a good game will not ensue. Thus, if there were such a thing as the “interests of a practice” then it must relate to the

achievement, promotion, development, refinement, extension, and so on, of the internal goods of the game. It follows that the “short sets” technical innovation ought to be evaluated in terms of these criteria.

7.3.3 Who ought to evaluate technical and technological innovations in elite male tennis?

Having established what the criteria are that will justify changes to the practice of elite male tennis we now need to establish who ought to be on the evaluation committee. In other words we need to determine who decides what is best for elite male tennis in terms of its evolving traditions and competing styles of play. We argued in chapter 2 that, following MacIntyre’s (1985) account, someone who participates in the practice of elite male tennis must accept the authority of the standards currently operating in the practice. It is a fact that not every elite male tennis player is good enough to be ranked number one in the world or even in the top twenty. They may just not possess the natural capacity, inclination or ability to achieve that. Nevertheless, by allowing himself to be corrected by those more experienced in the game and by considering particular matches and particular players as models of tennis excellence an elite male tennis player can pursue excellence in relation to his own particular circumstances.

In other words, internal goods allow for different levels of attainment, different standards of excellence. In sum, elite male tennis players must subject their own preferences, desires and attitudes to the communal standards and authorities that currently characterise the practice in order to achieve the internal goods of the game whatever the standard of excellence happens to be. Thus, as it is the elite male tennis players who experience first-hand the internal goods of tennis and contribute to the way the standards of excellence rise and evolve over time it is they who ought to evaluate the “short sets” proposal. They have, following MacIntyre (1985:189), the “relevant” experience to judge internal goods.

We argued in chapter 5, however, that what is “relevant” is not just the actual experience of playing the game. Rather, we argued that we can also include those people who have knowledge and understanding, albeit it second-hand, of the game, its internal goods, ethos, traditions and history. Thus, we are opening up some latitude as to who we consider to be competent to evaluate the “short sets” format. Such a liberal interpretation allows us to include on our evaluation committee the views of spectators, sponsors, coaches, administrators, court officials, physiotherapists, the media, and so on. We must be careful, however, that only those views that relate to the achievement of goods internal to the game rather than external goods count. This problem will be returned to later. For now, however, we can say that the members of the practice-communities of elite male tennis who either experience, or have knowledge of, the internal goods of elite male tennis, ought to evaluate the “short sets” innovation.

7.3.3.1 Elite male tennis players

We will include on the evaluation committee, first and foremost, elite male tennis players. Their views are the most significant since they experience first-hand the internal goods of the game. Moreover, they will be immediately affected by whatever technical or technological innovations are introduced to the practice and thus will experience and know how such innovations impact on their attainment of the internal goods of the game. It must be borne in mind, however, that it is commonly accepted that elite male tennis players also have an interest in achieving external goods such as winning, gaining prestige and status, generating personal wealth, and so on.

7.3.3.2 Court officials

Secondly, we will also include tennis court officials on the evaluation committee. They will have a significant part to play in the evaluation of the “short sets” innovation since a key part of their role is to uphold fairness during matches and to

help ensure that elite male tennis matches are played according to the official understanding of the fair ethos of the game. In order to achieve this they must have a sophisticated theoretical and practical understanding of the game. They must have, then, a relatively deep understanding of the internal goods of the game. Moreover, some court officials in elite male tennis have only recently begun to be full-time salaried employees and their numbers are quite limited thus far. Thus, the general lack of opportunities for economic gain, until now at least, suggests that their main interest has been in the achievement of the internal goods of the game. We are suggesting, then, that their passion for the game itself and their desire to see that good and fair games are played is their main motivation.

7.3.3.3 Spectators

We will also include spectators on the evaluation committee. Loland (2002) differentiates between different kinds of spectators. "The Connoisseurs" (Loland, 2002:118) are knowledgeable and morally conscious spectators who are concerned mainly with the internal goods of the game since they are interested in experiencing the technical, tactical and moral standards of excellence of the game. "The Supporters" (Loland, 2002:119) are another group of spectators who see sport as an arena for identification and identity construction. They have a reasonably clear image of what norms and values have to be kept so that competitions are meaningfully realised. Hence, their interests are primarily the experience of internal goods. Finally, the "The Fans" (Loland, 2002:120) are spectators who are interested in both internal and external goods since they want thrilling and close competitions and have a high regard for fairness yet they also enjoy watching the gladiatorial element of conflict and aggression between players.

7.3.3.4 Support network

We will also include on the evaluation committee those people who can be thought of as being part of the support network of elite male tennis such as administrators,

sponsors, coaches, researchers, and medical support such as physiotherapists, dieticians, and so on. This is a large and varied group although we can make the broad generalisation that they are concerned mainly with the acquisition of external goods. We will include the ITF, for instance, since they are responsible for the administration and regulation of the game worldwide which includes responsibility for the rules of tennis which incorporates the technical specifications for courts and equipment. The ITF are also responsible for organising international competitions for all age groups including the Davis Cup and are responsible for structuring the game by sanctioning international circuits and events including the ITF Men's Circuit. They are also responsible for developing the game through their worldwide development programme and are responsible for promoting the game through television, public relations, event management and sponsorship. We can say then, that they are broadly concerned with external goods since their goal is to generate income in order to develop the sport and redistribute goods such as prize money, trophies, and so on.

Coaches to elite male tennis players will also be included on the evaluation committee. Although they may have been former players themselves, and hence, have had first-hand experience of the internal goods of the game, their role now is perhaps more driven by external goods. Their success in terms of their own personal income, prestige and status, will probably rest mostly on the success of the player or players they are coaching. Although they will know what a good and fair game of tennis looks like they may sacrifice the attainment of that in favour of the acquisition of external goods. Finally, tennis sponsors, advertisers and broadcasting companies will also have a place on the evaluation committee. They are also interested mainly in the acquisition of external goods since they are interested in generating income for their organisations, the entertainment value of sport, and the development of a positive public image. Nevertheless, their views are also important since the income generated from their investment in the game can be redistributed by tennis institutions such as the ITF in order that more opportunities are made available to

more people to take up the sport or improve their standard of play such that the sport in general flourishes.

There is a sense, then, in which the evaluation committee is a limited democracy. Everyone is treated equally so long as they have the proper credentials to be there. Thus far we have established that the criteria that will justify technical and technological innovations to elite male tennis are the internal goods of the game. We have also established that it is the members of the practice-communities of elite male tennis who ought to be on the evaluation committee since they have the proper credentials to be there. They have the appropriate experiences or knowledge of the internal goods of the game. The committee is now in a position whereby they can evaluate the “short sets” proposal. The question now, however, is how they can be sure that their evaluation will be a critically reflective one.

7.3.4 A “reflective ethnocentric” evaluation

We established in chapter 6 that Walzer’s (1983) thesis is premised upon the idea that cultural spheres have internal norms which must be respected and which are the basis for normative judgements about justice or goodness within that practice. Thus, the resources available to the members of the evaluation committee are internal to the practice of elite male tennis itself. The social and cultural practices and traditions of elite male tennis are both the starting point and the framework to evaluate the “short sets” proposal. It is the internal goods of the game that inform, shape and determine the normative standards of the game. These are the standards of rational acceptability of elite male tennis that are then used by the evaluation committee to scrutinise whether the “short sets” innovation will be good for the game. We need to be sure, however, that what the evaluation committee conclude to be good and fair tennis is based on “good” grounds. Thus, the “short sets” innovation only ought to be implemented if it survives the reflective scrutiny required by the process of “reflective ethnocentrism”.

We outlined the interpretive procedure of “reflective ethnocentrism” in chapter 6. Each member of the evaluation committee must look at, retrieve, gloss over, sort through, and check over the beliefs that the members of the practice-communities have about what constitutes good and fair tennis. For instance, they must look at what the impact of the “short sets” proposal might be on all the other practice-communities of elite male tennis in order to build up a picture of the impact on the game as a whole. They must also retrieve written and oral information from key texts, historical records, video footage, tennis commentators, current players, former players, spectators, and so on, in order to gather a range of views about how previous innovations to the game have been received and how those innovations have changed the way in which the game is currently played. They must gloss over, sort through and check thoroughly all that they have retrieved and looked at. The rigorous nature of this process is, as we argued in chapter 6, a critically reflective process. Yet, the members of the evaluation committee need to be as sure as they possibly can be that they have been thorough. It is at this point that we incorporate certain aspects of Rawls’s (1971) method of “reflective equilibrium” into our tradition-practice bound reasoning model.

7.3.5 *“Reflective ethnocentrism” and “reflective equilibrium”*

We established in chapter 4 that, by itself, the method of “reflective equilibrium” is too far removed from actual sporting practices, their ethos, histories and traditions, to have any normative force. We pointed out, however, that the method does benefit from being able to clarify issues and is systematic and democratic, where democratic is understood to denote inclusive. We incorporate into our tradition-practice bound reasoning model these clarificatory, systematic and democratic qualities. Thus, suppose a tennis umpire on the “short sets” evaluation committee is only reasonably sure of her belief that the stamina of a player will not be properly tested if there is a “short sets” format. She can “test” her belief against what the ethos, histories and traditions of the practice of elite male tennis reveal about stamina. If she looks back at what the history books have recorded as being good or great matches she will see

that stamina has played a major part on many occasions. Stamina plays a key part in winning any Grand Slam tournament since a player is required to win seven "best of five sets" matches over a period of two weeks. There are examples of Grand Slam championships being won because one of the qualities of the player has been their immense stamina to play through six "best of five sets" matches to reach the final yet still be able to dig deeper into their reserves of stamina to win the final. The 1984 French Open final between Ivan Lendl and John McEnroe is a case in point. Both players had played through six rounds of the "best of five sets" format on clay, a surface that lends itself well to longer more energy sapping rallies. In the final Lendl was two sets down and saved three break points in the third set before coming back to beat McEnroe seven games to five in the final set in just over four hours. In 1989, Michael Chang played over twenty-one hours tennis in the seven matches it took him to win the French Open championships.

Perhaps the greatest feat of stamina and endurance in a single match was the first round encounter between Pancho Gonzales and Charlie Pasarell at the 1969 Wimbledon championships. After two hours and twenty minutes Gonzales, aged forty-one, was two sets down when bad light stopped play. The following day the match resumed with Gonzales winning the next two sets. The match had now lasted a total of four hours and sixteen minutes. Again, bad light stopped play. The following day the fifth and final set was played out to its conclusion. Gonzales saved seven match points in the final set eventually winning the set and the match eleven games to nine. He had come from behind to win having been two sets and a match point down in the third set to win in five hours and twelve minutes. One hundred and twelve games were played as the match took place before the tie-break had been introduced.

Similarly, there is evidence to suggest that many players have failed to get through the final rounds because of long matches they have played in earlier rounds that have eventually taken their toll both physically and mentally. At the 1974 Wimbledon championships, for example, Ken Rosewall, the number nine seed, beat John

Newcombe, the number one seed, in the quarter-finals. In the semi-finals he lost the first two sets and faced a match point in the third set against Stan Smith, the number four seed. He saved that match point, won the set and then went on to win the next two sets to reach his fourth Wimbledon final. In the final, however, Rosewall, aged thirty-nine, had nothing left to give. He lost the first two sets to Jimmy Connors in only fifty-four minutes. Rosewall put up some resistance in the third set but Connors, who, at twenty-one, was little more than half the age of Rosewall triumphed in straight sets.

These examples demonstrate that stamina is an internal good of elite male tennis. By “going back and forth” between her “initial considered judgement” that stamina plays a key part in what constitutes a good game of tennis, and the well-founded normative beliefs illustrated by the history books that without stamina physiological and psychological skills of elite male tennis will not be properly tested, the tennis umpire is able to clarify her “initial considered judgment” in a systematic way so that it becomes a “considered judgement”. She might also suggest to the other members of the evaluation committee that they think about commissioning some research to ask the players, fans, and so on, whether they consider stamina to be a vital part of what constitutes a good game of tennis and whether stamina is required in order for there to be a fair test of the physical and mental skills and tactics of the game. The results of the research would not only have the benefit of further clarifying her beliefs it also provides the opportunity to trawl systematically through the beliefs of the relevant people.

This example also illustrates the democratic characteristic of the method of “reflective equilibrium”. Although the umpire may have only been reasonably sure of her “initial considered judgment” that stamina would not be properly tested if the format is changed to the “short sets” format, the method of “reflective equilibrium” requires that she “test” all of her “initial considered judgements”. Each member of the evaluation committee must work through all of the arguments for and against the “short sets” proposal in this way in order that they can claim that they have arrived

at "the best account so far" of what constitutes a good and fair game of elite male tennis.

Incorporating the clarificatory, systematic, and democratic features of the method of "reflective equilibrium" into our tradition-practice bound reasoning model provides further support to our claim that our model does not preclude the members of the evaluation committee from criticising the *status quo* within elite male tennis. We have argued that, following MacIntyre's (1985) account, participating in a practice requires that the members of the "short sets" evaluation committee subject their personal preferences to the standards existing in it. This does not require, however, that they must unthinkingly bow to the "dominant beliefs" in elite male tennis. Rather, following Morgan's (1998) account of "reflective ethnocentrism" we acknowledge that judgements will frequently be disputed and will occasionally be disputed at a fundamental level since practices have a history and traditions within which the members' perceptions of its standards and excellences, and thus of its internal goods, will change. It is these kinds of disagreements disputes that drive the changes to elite male tennis. What is significant is that such disagreements will be constrained in certain ways. Thus, it is not enough for members of the evaluation committee to simply assert that the "short sets" format would be good for the game. Rather, such a judgment can only be justified by referring to the standards and excellences that govern and, in part, comprise the practice.

In sum, the clarificatory, systematic and democratic features of the method of "reflective equilibrium" offer a rigorous supporting procedure that contributes to the reflective scrutiny of the "short sets" proposal being carried out by the members of the evaluation committee. Of course, even after all the members of the evaluation committee have carried out their own individual reflective scrutiny of the proposal in a reflective ethnocentric way and supported by the clarificatory, systematic and democratic features of the method of "reflective equilibrium" outlined above, it may be that they are still unable to agree unanimously on whether or not to sanction the introduction of the "short sets" innovation. Although the members of the evaluation

committee are all members of the practice-communities of elite male tennis and therefore have a relatively shared understanding or “shared belief” about what constitutes a good and fair game of tennis they still may not all agree. Nevertheless, so long as the consensus reached is based on “good” grounds then the decision-making procedure is both a good and a fair one. It is at this point that we incorporate Rawls’s (1996) idea of an “overlapping consensus” into our tradition-practice bound reasoning model.

7.3.6 *“Reflective ethnocentrism” and an “overlapping consensus”*

We argued in chapter 5 that what is in the interests of the game is the achievement, promotion, development, refinement and extension of the internal goods of the game. These are the criteria that ought to determine how tennis develops in terms of its evolving traditions and competing styles of play. Thus, any consensus reached concerning the “short sets” innovation based on these grounds has been based on “good” grounds. It is also a fair procedure since any members of the practice-communities of elite male tennis who have an interest in how the game develops can be involved. The only limitation placed on their input into the decision-making process though, is that their judgment must be guided by the achievement of the internal goods of the game. Thus, whilst a television executive on the evaluation committee may be interested in reducing the number of games in a set so that matches can be packaged, scheduled and promoted more easily and thus generate more income for his or her organisation, these interests must be put to one side during the discussion. These interests are external to the game of tennis and as such it is likely that they will jeopardize the achievement of the internal goods of the game.

The challenge this poses is to ensure that those interests relating to the acquisition of external goods are put to one side. In order to achieve this we need to ensure that the evaluation committee has good representation from those members of the practice-communities who are driven more by the achievement of the internal goods

of the game rather than the acquisition of external goods. Thus, we need to ensure that there are sufficient numbers of players, fans, court officials, and so on, included on the “short sets” evaluation committee. This will help to ensure that their voices are not gagged by the more powerful voices of the tournament sponsors, television executives, racket manufacturers, and so on, that are primarily concerned with the acquisition of personal and corporate wealth. Thus, whilst on a “thick” level there is the possibility that all the members of the evaluation committee may not agree to sanction the introduction of the “short sets” format, on a “thin” level they have at least all agreed that the criteria to be used to evaluate the “short sets” format are the internal goods of the game. It is by virtue of their membership in the practice-communities of elite male tennis that they already have a more or less shared understanding of what constitutes a good game. Thus, agreement or convergence amongst the committee members is limited in this “overlapping consensus” to the achievement of the internal goods of the game. Thus, the debate between the members of the evaluation committee is rational since the process of grounding and disputing different judgments is governed by particular shared norms. Moreover, because the debate is governed by particular shared norms the conclusion reached will not only be rational it will also be the best possible one for elite male tennis.

Suppose, now, that all of the members of the evaluation committee have carried out their reflective scrutiny of the advantages and disadvantages of the “short sets” proposal. They have carefully scoured the beliefs in elite male tennis and interpreted them by looking, retrieving, glossing, sorting and checking through them. They have also drawn on and used the clarificatory, systematic and democratic aspects of “reflective equilibrium” in order that they can claim that what they eventually decide constitutes good and fair tennis is the best account so far. All the while their interpretation has been guided by the achievement of the internal goods of the game. Suppose, now, that a few of the members of the evaluation committee conclude that the “short sets” proposal is a full and fair test of the physical and mental attributes of a player. The remaining members of the evaluation committee disagree with them. On this “thick” level, then, there may be disagreement between some of the

members of the evaluation committee. Nevertheless, on a “thin” level they unanimously agree that the athletic, physical and mental skills and abilities of a player are essential components in any evaluation of a proposed technical or technological innovation since they are internal goods of the game.

The nature of the scoring system in tennis means that it is possible that a player can win fewer points and fewer games overall yet still win the match. What is significant, though, is that in order to win the match a player must win more sets than his or her opponent. It follows that winning those sets ought to be a full and fair test of the player’s athletic, physical and mental, and technical and tactical skills and abilities. Thus, although there may be some disagreement as to whether there ought to be a “short sets” format, the members of the evaluation committee at least agree that it is against the demonstration of the athletic, physical and mental, and technical and tactical skills and abilities needed to play the game that the outcome must be measured.

Thus, despite the different and often conflicting interests of the members of the evaluation committee, achieving an “overlapping consensus” when it is guided by the achievement of the internal goods of the game, achieves a stability and unity within the practice that is a publicly acceptable way to evaluate technical and technological innovations in elite male tennis. Members of the practice-communities of elite male tennis on the evaluation committee who attempt to change the direction or self-understanding of elite male tennis may make radical criticisms of, and radical suggestions for, the game. Even so, their criticism must refer to at least one of the standards of the practice otherwise it will simply not be recognisable as a case of tennis criticism. If a member of the evaluation committee agreed that the “short sets” format did not provide players with the opportunity to test their stamina and fitness, and exhibit competitive intensity and concentration skills, yet persisted in claiming that the format would provide the opportunity for good matches to be played, they would not be offering a different understanding of what

constitutes a good tennis match. Rather, they would be exhibiting their incompetence in their understanding of what tennis is.

Put another way, it is the standards of the practice, along with the players and games considered as models of excellence, that supply a framework within which reasoned debates *may* be carried out which *may* result in agreement. It is the shared understanding that the members of the practice-communities have of the ethos of the practice, the history and traditions of the game, the role of institutions, and the internal goods of the game, that determines the standards of rational acceptability. The framework itself is liable to change since all sports are dynamic, constantly evolving and changing, but not all in one fell swoop and not in any way that an individual wishes since the complete rejection of the framework would constitute the complete eradication of the practice itself rather than just a change in its direction.

In sum, the evaluation of the “short sets” format cannot be viewed as simply a subjective or capricious exercise. Individuals cannot decide in a completely abstract way, without any criteria to guide them, what they consider to be the attainment of tennis excellence. While the members of the evaluation committee are not compelled to concur with every judgment made by the other committee members, they cannot determine for themselves what will count as relevant grounds for judging what good and fair tennis looks like. Rather, it is the internal norms of the game that are shared by the members of the practice-communities of elite male tennis that determine what constitutes good and fair tennis. Our MacIntyrean emphasis on the importance of the internal goods of the game, practices, and traditions, and that decisions ought to be made by those who have experience or knowledge of the practice of elite male tennis, in conjunction with the method of “reflective ethnocentrism” espoused by Morgan (1998), provides the framework that allows the members of the evaluation committee to attain objective and impersonal judgments that go beyond their personal preferences or interests. This critical evaluation of technical and technological innovations is further supported by the clarificatory, systematic and democratic aspects of the Rawlsian method of

“reflective equilibrium”. Striving to reach an “overlapping consensus” between those on the evaluation committee despite their different interests contributes to the public acceptability of our tradition-practice bound reasoning model since it acknowledges the political nature of decision-making. In sum, our tradition-practice bound reasoning model is transparent, democratic, and respectful of the traditions and internal norms of elite male tennis.

Our tradition-practice bound reasoning model does, however, raise the question of whether we are forcing the Rawlsian method of “reflective equilibrium” and his idea of an “overlapping consensus” into doing moral philosophical work they were never intended for. We also need to consider the implications of developing a method of practical reasoning even though the conservative philosophical position we have argued from relies on anti-theory and/or anti-method accounts of practical reasoning. These issues are explored in the following penultimate section.

7.4 Limitations of tradition-practice bound reasoning

We begin by considering some of the issues that arise when we appropriate certain features of the procedure of “reflective equilibrium” and the idea of an “overlapping consensus” and use them to supplement an ethical theory in a sphere beyond the intention for which they were designed.

7.4.1 *Problems of extraction and supplementation*

In *A Theory of Justice* Rawls (1971) does not claim that particular moral problems can be settled simply by putting the problem before deliberators in the “original position”. Neither does he claim that the two principles of justice, which he claims would be chosen in the “original position”, can be used as a guide to individual decisions about matters of justice in small groups. In his later work Rawls (1977; 1980; 1985) continues to hold the position that the theory is limited to matters concerning the justice of the basic institutions of large-scale cooperative societies.

Later still, Rawls (1987) also limits the aim to reaching an “overlapping consensus”. He does not claim that the results of an “overlapping consensus” are timeless moral truths. Rather, he claims the results are a set of political principles to which people holding different moral perspectives can publicly agree.

The limits he places on the subject, aims, and hopes for his theory of justice does not, however, prevent us from appropriating certain features of the theory for our use. We argued in chapter 4 that the procedure of “reflective equilibrium” had the potential to make a positive contribution to the evaluation of technical and technological innovations in elite male tennis since it can clarify, and is both systematic and democratic, where democratic is understood to denote inclusive. Going through the procedure of “reflective equilibrium” can help people clarify the implications of their views, it offers people a systematic way of considering issues, and it is a democratic method since nothing is exempt from revision. We also argued in chapter 5 that the idea of an “overlapping consensus” can help guide the practice-communities of elite male tennis in their evaluation of technical and technological innovations to the game. Moreover, the idea of an “overlapping consensus” is praiseworthy since it raises our awareness of the political situatedness of decision-making. We explore here, some of the difficulties in trying to extract only these features of his theory and using them to supplement our tradition-practice bound reasoning model.

We are using certain aspects of a theory of the right in order to supplement a theory of the good. Yet, using the idea of an “overlapping consensus” and the method of “reflective equilibrium” to supplement a theory derived from a different philosophical tradition may involve making certain compromises and simplifying assumptions about those features that lessen their effectiveness in their new theoretical context. To begin with, we are suggesting that individuals use some of the procedures of “reflective equilibrium” to help them decide what they ought to do in a specific context. We established in chapter 4 that Rawls (1971) developed the method of “reflective equilibrium” as one way of justifying the “original position”.

In the “original position” people are unaware of their social position, talents, natural endowments, interests, and so on. Yet, it is clear that it was never the intention of the “original position” for it to be used by individuals to tackle actual moral problems:

The original position is to be seen as a device of representation and hence any agreement must be regarded as both hypothetical and nonhistorical. (Rawls, 1996:24)

Nevertheless, that the “original position” is a heuristic device is not as problematic as it appears to be. We argue that those involved in the evaluation of technical and technological innovations in elite male tennis ought just to give up on the idea of the “original position”. Rather, we would ask them simply to be reflectively aware of their own interests, to evaluate them in the light of the ethos, the internal goods of the game, its traditions and history. We argue also that the idea of an “original position” is redundant if there are always enough people involved in the evaluation of technical and technological innovations in elite male tennis who are driven primarily by the achievement of the internal goods of the game. This will help to avoid the “sectional interests” of those people who are concerned with the acquisition of external goods from dominating the decision-making process.

Similarly, it could be argued that we have also used the idea of an “overlapping consensus” in a way it was never Rawls’s (1996) intention it be used. We established in chapter 5 that Rawls developed his idea of an “overlapping consensus” to fit a liberal society in order to provide people with ample scope to follow their own particular conceptions of the good. We pointed out that the difficulty facing such a liberal society is how to achieve the social unity and cooperation necessary to ensure that it runs smoothly. The answer, according to Rawls, is to prioritise justice, or the right, over the good. Yet, our tradition-practice bound reasoning model prioritises the good over the right. We have approached the evaluation of technical and technological innovations in elite male tennis from a good- and culture-specific perspective.

7.4.2 *A method from an anti-method perspective*

A second limitation is that we have developed a method of practical reasoning yet done so from an anti-theory or anti-method perspective. The term “anti-theory” opposes any claim that morality is rational to the extent that it can be expressed in a set of universal principles and denies that universality, explicitness, consistency, and completeness, are necessary to the moral life (Clarke & Simpson, 1989:2). We argued in chapter 4 and chapter 5 that Rawls’s (1996) method of “reflective equilibrium” and his idea of an “overlapping consensus” epitomise this view. In contrast to this dominant rationalist model, anti-theorists embrace two features of morality that focus on custom and practice. We outline those features here.

The first feature is a contextualist approach that emphasises the ways in which members of practice-communities decide the meaning and appropriateness of deliberation and evaluation (Clarke & Simpson, 1989). On this view of morality the application of universal principles is misplaced. Our tradition-practice bound reasoning model epitomises this contextualist approach. In chapter 3 we argued for the necessity, as against the “thin” idea, of a context-respectful approach to understanding “fair play” through the interpretation of the ethos of a game, its internal goods, practices, and traditions. We also argued in chapter 5 that the members of the practice-communities of elite male tennis ought to determine what is best for tennis in terms of its evolving traditions and competing styles of play.

The second anti-theory feature is a pluralism that stems from the way in which practices determine conceptions of goods. Different communities have different conceptions and even within one community there will be different practices each having their own particular ends (Clarke & Simpson, 1989). Thus, contra Rawls’s (1996) “primary goods”, goods are varied rather than reducible to any one good or limited list of goods. Such pluralism does not require the acceptance of principles that are neutral between different conceptions of the good. Our tradition-practice

bound reasoning model demonstrates this view also. In chapter 5 we argued that the meaning and value of goods originate from within the communities whose goods they are. Goods do not have natural meanings. Rather, they only obtain their significance through a procedure of interpretation and understanding that is always a social rather than an individualistic one. Thus, if the meanings of goods are necessarily social, it follows that they will have different meanings in different societies.

Underpinning our tradition-practice bound reasoning model is MacIntyre's (1985) virtue-based practice-institution-tradition model. According to MacIntyre (1988), moral theory does not have the authority it claims to have. He believes that in pluralistic liberal societies there cannot be any moral authority. He sees the contemporary "top down" approach to morality expressed as theory and method construction as being part of the problem rather than part of the solution:

Modern academic philosophy turns out by and large to provide means for a more accurate and informed definition of disagreement rather than for progress toward its resolution. (MacIntyre, 1988:3)

Thus, whilst MacIntyre (1988) acknowledges that theories and methods that suggest we adopt a neutral, impartial, and universal point of view may enable disagreements concerning questions of rationality and justice to be expressed with clarity, in a systematic way, and include a broad range of arguments, they cannot do any more than that. They cannot actually resolve such disagreements. Instead, he advocates a "ground up" approach to morality by developing common narratives and ways of living from his account of social practices.

What is problematic from this anti-theory or anti-method point of view is that we have not only appropriated certain features of a theory we are generally opposed to, we have then used them to develop a method of moral reasoning. We have extracted certain features of the method of "reflective equilibrium" and the idea of an "overlapping consensus" from Rawls's (1996) theory of "justice as fairness" and

used them to develop our tradition-practice bound reasoning model. Nevertheless, although we have developed a method there is no room in it for the “homogenizing tendencies” (Clarke & Simpson, 1989:3) of rationalistic based moral philosophy. Instead, our tradition-practice bound reasoning model is a method that is concerned with the particularities of social relationships in particular cultures. Our method is both pluralistic and particularistic since we acknowledge the diversity of human groups in our account of the practice-communities of elite male tennis. Secondly, we acknowledge the importance of the conventions of social practices and their traditions where the evaluation of technical and technological innovations is concerned. Our tradition-practice bound reasoning model helps clarify problems, is systematic, democratic, where democratic is understood to denote inclusive, and conscious of the political situatedness of decision-making. Whilst these are characteristics that are more commonly associated with rationalist theories or methods our tradition-practice bound reasoning model respects the internal norms of the practice or culture in question as being the basis for normative judgements about goodness or justice within that practice.

7.5 Conclusion

The aims of this thesis have been to establish which criteria are selected to justify innovations that will benefit the practice of elite male tennis while simultaneously safeguarding its integrity, and who ought to determine them. The first objective, then, has been to develop a principled, non-subjective debate about how a cultural practice like tennis flourishes. The second objective has been to determine who ought to decide what is best for tennis in terms of its evolving traditions and competing styles of play.

In this thesis we offer a tradition-practice bound reasoning model as a framework for the evaluation of technical and technological innovations in elite male tennis. We have accommodated successfully two contrasting philosophical traditions that have themselves been taken as the cornerstone of competing ethical traditions; the good

and the right. Through the discussion of a variety of technical and technological innovations in the game we have argued for the necessity of a decision-making model that prioritises the good over the right. In this chapter we demonstrated how our tradition-practice bound reasoning model might operate in practice. Whilst the context-respectful framework enjoys an openness and flexibility befitting the pluralistic nature of elite male tennis, at the same time it offers a rigorous procedure that ensures that a principled, non-subjective debate can take place between the members of the practice-communities of elite male tennis about how their sport ought to develop. Our good- and culture-specific model is thus both a good and fair way to evaluate technical and technological innovations in elite male tennis.

The main conclusion to be drawn from this thesis is that normative authority in elite male tennis lies with the members of the practice-communities of elite male tennis. Throughout the thesis we have argued that it is impossible to conceive of language, moral reasoning, or moral life beyond a social setting. Thus, we have championed the idea that it is the insider's point of view that ought to count in the evaluation of technical and technological innovations. We have made it clear, however, that it is not just elite male tennis players as insiders who have normative authority. Rather, it is also those members of the practice-communities of elite male tennis who have a shared interest in the achievement, promotion, development, refinement and extension of the internal goods of the game. It is they who have the appropriate experiences or knowledge, and thus the normative authority, to carry out a rational evaluation of technical and technological innovations that is not only rational but is also the best possible one for the game.

Having argued for the necessity of a good- and culture-specific approach to resolving difficulties and problems within social practices we cannot now make any claims about the value of such an approach in other contexts in elite male tennis or in other sporting practices. Nevertheless, we can suggest tentatively that our tradition-practice bound reasoning model has the potential to be used to settle other disputes in elite male tennis although research into specific problems is required.

We also suggest that the model may have implications for the way in which decisions are made in sporting practices generally. It may be that our tradition-practice bound reasoning model is transferable to other sports although research into each particular sport such as we have carried out here would need to be undertaken.

This thesis does, however, have implications within the broader framework of human life. In order for sport to be able to contribute to human flourishing it must be practiced in an ethical way. Good and fair sport provides the members of sporting practice-communities with the opportunity to experience or have knowledge of the excellences that define the internal goods of a particular sport. It is in this way that sport has the potential to become an arena for human flourishing. We ought to continue to strive, then, to ensure that sports are practised in an ethical way. We think that our tradition-practice bound reasoning model, which is transparent, democratic, and respectful of the traditions and internal norms of tennis, contributes to that aim.

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