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Why ‘Meaningful Competition’ is not fair competition

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ABSTRACT

In this paper I discuss a new conception that has arrived relatively recently on the scene, in the context of the debate over the inclusion of transwomen (hereafter TW) in female sport. That conception is ‘Meaningful Competition’ (hereafter MC) – a term used by some of those who advocate for the inclusion of TW in female sport if and only if they reduce their testosterone levels. I will argue that MC is not fair. I understand MC as a substitute concept, as an attempt to substitute for the perfectly serviceable concept of fair competition. It is an attempt at conceptual engineering that should be resisted. This is important because some International Federations have accepted MC as good coin, and the underlying theory of MC, which I explicate for the first time, underpins the stance taken by the IOC (International Olympic Committee) in its Framework Document. To establish that the inclusion of TW in female sport meets the criteria of MC in the sense I explicate here, does not show that the inclusion of TW in female sport is fair. Such inclusion is not fair, and the proper currency of sport is fair competition. ‘Meaningful Competition’, on the other hand, is a snare and a delusion.

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Introduction

In the last four years, Joanna Harper, one of the most prominent proponents of the inclusion of transwomen (TW) in female sport has promoted a novel approach to this question. Together with the sports scientist Yannis Pitsiladis, Harper sets out her view as follows:

The intention for separating athletes into male and female categories is to provide women athletes with *meaningful competition*. It would be equally reasonable therefore to allow *transgender or intersex* women to compete with *other female athletes* if, and only if, the inclusion of these athletes did not *unduly* alter the playing field for other women. If one can *minimize* athletic advantages potentially held by gender variant athletes, then one can satisfy this requirement. It may not be necessary, or even possible, to eliminate all individual

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advantages held by a transgender or intersex woman. Any remaining advantage, theoretical or real, held by a gender variant athlete would be only one component of their unique makeup. It is paramount, however, that all athletes competing have a chance to succeed albeit not necessarily an equal chance and in line with the *true essence* of sport. (Harper et al. 2018; italics JP)

In this paper I discuss the notion of Meaningful Competition (hereafter MC) introduced by Harper and Pitsiladis. I take MC as a term of art, so I will not be engaged in a wide-ranging discussion of meaning in sport. I also want to distinguish between the ordinary phrase 'meaningful competition' and the Harper/Pitsiladis theory of Meaningful Competition (MC). I will take this as the guiding text of my analysis and discuss a number of difficulties with this account. The conception is widely shared, but never properly explicated. In 'Integrating Transwoman athletes' (Hamilton et al. 2021) MC appears in the abstract and 'the essence of MC' appears in the text. A substantive claim is made: 'Therefore, based on the current scientific literature, it would be justified for meaningful competition and to prioritise fairness, that transwomen be permitted to compete in elite archery after 2 years of GAT [Gender Affirming Therapy (JP)]'. This is the claim that a threshold of MC can be met in a fairly precise way.

Despite placing such an emphasis on the category of MC there is no further explication or analysis of the term in either Harper's academic papers or her book (Harper 2020) or her broadcast appearances or by her co-thinkers. Nonetheless MC is the driving conceptual framework of a group of sports scientists led by Pitsiladis and endorsed by FIMS (Fédération Internationale de Médecine du Sport). This conception frames the current research programme at Loughborough and Brighton universities, which is funded by the IOC. The programme is guided by the notion of MC and its component 'disproportionate advantage'.

Notice a series of unexplained but implicit claims which I will, for now, simply list: First, there is the claim that TW are *women*. Second, the claim that TW are *female*. Third, there is a distinction between *duly* and *unduly* altering the 'level playing field'. Fourth that *minimising* (and not eliminating) sex advantages is threshold-fulfilling. Fifth, that sex advantages can be thought of as 'only one component of [an athlete's] unique makeup' (and so not *qualitatively* different from other components). Sixth, that the term 'intersex' is appropriate and meaningful. Seventh, that there is a (single) *true essence of sport*. I flag these claims at this point in order to return to all but the last two, and to suggest that they must be fully explicated if the conception of MC is to be fully understood.

This lack of explication is perhaps not surprising: Harper and Pitsiladis are sports scientists, not ethicists, and it is reasonable for them not to have provided a fully worked out justification for their theoretical move. But such

a justification is needed, and it is the job of philosophers of sport to subject theoretical moves such as this one to critical scrutiny.

I proceed as follows: First, I explain why developments in the sports science and medicine literature underpin this new conception. Then I map out four candidate relationships between fair competition and MC. The full-on explication of the notion of MC follows, bearing in mind its use by Harper and others in the debate over the inclusion of TW in female sport. I seek to understand the conception by understanding what work it is supposed to do: the introduction of this term arises from a particular development in the argument.

Developments in the literature

Harper (Harper 2015) used to take the view that gender-affirming hormone therapy (Testosterone suppression and Oestrogen supplementation) *eliminated* male advantage in competitive sport, at least in running. But recent studies and meta studies such as Hilton (Hilton and Lundberg 2020), Harper (Harper et al. 2021), and Roberts (Roberts, Smalley, and Ahrendt 2020) show that this is not the case. Both Harper, and the IOC now accept the existence of residual male advantage following GAT. This should not be regarded as an important and significant concession, since the existence of residual male advantage was obvious to many from the start. Clearly, GAT does not change skeletal structure such as height, length of femur, and pelvic width. Testosterone suppression does not eliminate the effects of male puberty (and mini puberty). These are sources of physiological differentiation between males and females which generate male physiological advantage in some sports: bio-mechanical efficiencies from longer levers, and height advantages for males, susceptibility to injury for females, aerodynamic gains, and so on.

These papers published in 2020–21, and broadly accepted on all sides indicate that there is now a settled scientific consensus around the existence of residual male advantage and the debate has moved on. Since this concession has been made, a new move in the argument for inclusion of TW in female sport was required: MC is that move. So MC is a *motivated* concept; it is an attempt to justify the inclusion of transwomen in female sport *despite* the existence of residual male advantage.

Is MC the same as fair competition?

In this discussion it is quite tricky to work out the relationship between fair competition and MC – and here I mean primarily, the relationship between fair competition and MC in the view of its advocates. Do they conceive of MC as *fair*? Or do they conceive of MC as a *substitute* for fair competition?

For the purposes of clarification, here are four candidate views about the relationship between fair competition and MC:

Identity view

Fair competition is necessary and sufficient for meaningful competition. (Note that this cannot be the Harper/Pitsiladis view.) The two conceptions are substantially the same thing, the terms can be used interchangeably. A version of this view would be that sport is meaningful *because* it is fair.

Enrichment view

Fair competition is necessary but not sufficient for meaningful competition: meaningful competition is an expansion of fair competition – an enriched conception. This too, cannot be the Harper/Pitsiladis view. Note that on this argument, meaningful competition would always be fair.

Substitution view

Fair competition is neither necessary nor sufficient for MC. MC and fair competition are conceptually different. MC is not necessarily fair. We should substitute the conception of MC for the conception of fair competition. We should, then, stop talking about fair competition. Fairness is one, but only one criterion. We ought to aim at meaningfulness rather than fairness.

Ameliorative view

We ought to come to see MC as necessary and sufficient for fair competition. MC is an ‘ameliorative concept’ that tries to improve on the original concept of ‘fair competition’. As I have suggested, the key claim here is that [Male advantage is unfair in female sport] and, on the ameliorative view, this must be *rejected*. On this line of argument, fair competition is a concept which is deficient, with respect to social justice and needs to be improved. This amelioration involves unpacking its necessary and sufficient conditions, re-engineering them towards a target concept (MC) which would better capture the inclusion of TW in female sport that is taken to be a central commitment of all philosophers who are concerned with social justice (Haslanger, 2012). We should conceptually re-engineer fair competition to coincide with the criteria for MC. We should talk about fair competition *as* this new conception, and use fair competition and MC interchangeably, because this is part of the ameliorative process.

Certain arguments are only compatible with some of these views. I have in mind here the suggestion of Devine that the inclusion of TW in female sport

might be thought of as ‘tolerable unfairness’ like the inclusion of ex-dopers who have muscle memory advantages (Devine 2018). This interesting argument is only compatible with the substitution view: it would underpin the claim that male sex advantage is unfair in female sport but tolerable if it is not disproportionate.

On the third view, which I think is the best understanding of the Harper position, the effect of MC is to allow advantages that are unfair but are ‘proportionate’.

If the third relation is an account of what the IOC and Harper and Pitsiladis are doing, and that the concept of MC is embedded in the IOC Framework document, (International Olympic Committee 2021; Martowicz et al. 2022) then the adoption of that document represents the abandonment by the IOC of fair sport, as it is standardly understood. However, because of the asymmetry involved, it is only the abandonment of fair sport for women. And this seems both noteworthy and important.

This claim – that, in its framework document, the IOC has dropped a commitment to fair sport (for women) – is not outrageous, since this is exactly what a number of critics have urged them to do. A key paper in this discussion urges us to move ‘beyond fairness’ (Gleaves and Lehrbach 2016). Polemics against an ‘abstract’ or ‘subjective’ account of fairness are quite common in this debate – for example in the papers collected in Greey (Greey and Lenskyj 2023) many of which approvingly cite Gleaves. So the claim that the IOC has dropped a commitment to fair sport for women is intended more as a description than a critique.

On the fourth view, we should conceptually reengineer ‘unfair’ as meaning the same as ‘disproportionate’. It takes sex advantages – such as the male physiological sex advantage possessed by TW – as fair, if this sex advantage is not ‘disproportionate’ – exceeding other advantages. To be precise, the substitution view is that unfairness should be allowed, whereas the conceptual re-engineering view is that male sex advantage is fair in female sport (unless it is disproportionate) and so that what we now think of as unfair (male advantage in female sport) is not necessarily unfair. The difference is between jettisoning fairness and revising fairness. Sometimes Harper and others speak as if they hold the third view (‘it’s not fair: so what?’), sometimes as if they hold the fourth (‘it’s fair, you just need to rethink your concept of fairness!’) Having discussed these four options, I move on to consider the new conception directly.

What is Meaningful Competition?

I take MC to amount to the following position: In considering the integration of TW into female sport, the appropriate test to meet is not whether this is fair but whether it is meaningful. It can be meaningful, because TW are a subset

of women, and this creates a meaningful category. Within that category, it may be that residual male physiological advantage will be lower than other sorts of advantage that exist. This can lead to close competition with an unpredictable outcome. Such competition is meaningful and should be allowed. Close competition and unpredictable outcome are results, rather than a condition: this shows that the competition is meaningful, because TW do not dominate.

There are, then, three components of Harper's conception of MC:

- (1) a relevant or meaningful category
- (2) no disproportionate advantage
- (3) close competition with an unpredictable outcome

I will proceed by means of critique of this view, but I'll briefly state the counterview. This is that a fair category in sport is formed on a physiological basis (sex, weight, age) rather than one of gender identity. The female category is fair, and justified by fair equality of opportunity for women, thought of as adult human females. Its justification gives the eligibility conditions: female sport is justified as a separate category by the existence of male advantage: hence no one with male advantage (including residual male advantage) should be eligible for female sport. This entails a simple claim about fairness: male advantage is unfair in female sport. Lastly, close competition with an unpredictable outcome (i.e. non-domination) is neither necessary nor sufficient for fair sport.

Meaningful categories

For many purposes, in making evaluations, it is important that we compare apples with apples, and oranges with oranges. So, how should we determine the relevant class? The relevant class will depend on the purpose of the comparison. In sport, the purpose is to compare physical performance at difficult actions. Hence, the categories themselves are physical: weight categories, age categories, and biological sex categories.

The biological sex category of female is meaningful in sport because all females are equally unable to access the advantages of androgenisation. It is this – as we have seen – that makes the women's category justifiable.

What about the category of women construed as those who self-identify as women? In her work Harper is sometimes careful to differentiate her view from that of Veronica Ivy and Kristen Worley, so it is worth presenting the Ivy and Worley position first. They are against 'biological restrictions' on who qualifies for women's sport (Ivy and Conrad 2018; Worley 2019). Again, this is a simple view that reduces to inclusion into the female category on the basis of self-identification. It is sometimes argued for by way of a detour through

legal gender (Camporesi and McNamee 2018; Pielke 2023) but in its abandonment of biological restrictions this amounts to the same thing. By contrast, Harper is not in favour of the inclusion of TW into women's sport on the basis of self-identification or legal gender, but she does think that gender identity grounds a relevant category and she slips into language that makes this clear. She speaks of 'transgender women' and 'other women', and 'transgender women' and 'other female athletes'. Here it is necessary to speak plainly. TW are not female (by definition) and it makes the discussion unclear to claim that they are (Martínková et al. 2022).

The claim that TW are 'other women' or, even more strongly, 'other females' – if it is accepted – establishes the existence of a meaningful category (women or females) by *fiat*. But it does too much, and the reason points us to an issue of foremost importance here. A persistent feature of these discussions is a muddle about the closeness of two questions. The first question is: what justifies the existence of sex categories in competitive sport? Call this the Justification question. The second question is: what are the eligibility conditions for sex categories in competitive sport? Call this the Eligibility question. In Ivy's work, the first question is almost entirely ignored. The Justification question is held to be independent and distinct from the Eligibility question. By contrast, on the view I'm defending, the two questions are closely connected: Female sport is *justified* by the existence of male physiological advantage. In the same way, *eligibility* for female sport is restricted to those who lack male physiological advantage.¹ So, for my view, there is no gap between the Justification question and the Eligibility question. For the positions taken by Harper, and Ivy, there is a gap. In the passage quoted, Harper affirms the claim that TW are 'other women' and 'other females'. But this sets up the following dilemma: If TW are women and/or TW are female, such that females and TW form a meaningful category, then why should TW be *additionally* required to suppress T, or otherwise modify their bodies, or inhibit their performance? If they are straightforwardly included in a meaningful category with other women or other females, then it is surely unjust and discriminatory to require 'biological restrictions' (Ivy and Conrad 2018).

Suppose (following Harper) TW can be incorporated into female sport if they go through a series of biological modifications. Then in what sense are TW *as such* 'other women' or 'other females'? The answer must be that they self-identify as such. But Harper's own position shows that this is not enough. If it is not enough for MC, what is the justification of a separate category for those who identify as women since that category does not cohere with its eligibility conditions? Some of those for whom the category exists – who are included in its justification (TW, who are women and female *ex hypothesi*, but who have not reduced their T levels) – are, at the same time, excluded from eligibility.

Suppose we adopted Harper's implicit proposal here: she clearly means to say that TW ought to be included in the women's category if they meet certain thresholds because *then* they are like 'other women'. Equally, she argues that TW who pass this threshold are allowed to compete with 'other female athletes'. But if it is accepted that those who identify as women 'are women', or 'are female', then the whole project of inquiring into testosterone levels is empty. The establishment of a category that is founded on gender identity pulls the rug from underneath the project of finding the right level of inhibition to make it meaningful for male-bodied athletes to compete with female-bodied athletes. It is in this sense that the justification of a meaningful category by gender identity does too much.

In contrast, the justification of a category for female athletes because of male advantage resolves the question of who should be eligible for that category. Obviously, the answer will be female athletes, who, by virtue of being female, lack male advantage. Harper's mistake, I think, is that she tries to answer these questions separately. She tries to set up a category based on gender identity, and then discuss eligibility into that category on an *ad hoc* physiological basis.

It might be thought that the Harper/Pitsiladis proposal is simply one that distinguishes identity criteria from physical criteria and supplements the identity criteria with additional physical ones. That's to say, it might seem plausible to suggest that Harper/Pitsiladis say that self-identity of a person as a woman is necessary but insufficient for inclusion in the female category of sport. Their research programme, then, is to formulate a test that is sufficient to include self-identified (trans)women into the female category.

But this would be a mistake, since self-identification as a woman is neither necessary nor sufficient for inclusion into the female category. Some who do identify as women ought not to be included, some who do not identify as women ought to be included. What is important is that an athlete *is* female, not that they 'identify as a woman'.

Both these pairs of authors, Harper/Pitsiladis and Ivy/Conrad, then, miss a fundamental point: a category of self-identifying woman cannot be meaningful in sport, because the categorisation of sport is body-relevant and there is no body-relevant property that unites all and only this identity category. (Byrne 2020; Bogardus 2022).

'No disproportionate advantage'

In the passage cited above, Harper claims that MC can take place if residual male advantage does not *unduly* alter the level playing field. How might we construe 'unduly'? The IOC Framework document (International Olympic Committee 2021) argues that TW might permissibly compete in female sport if their retained sex advantage is not 'disproportionate'. I take the

idea of ‘no disproportionate advantage’ to be a part of the overall ‘MC’ project.² This term is not fully explained in the framework, or in Harper’s work, so I will attempt a ‘rational reconstruction’ (Habermas 1996) here. The IOC says: ‘a **disproportionate** advantage is one that **disproportionately** exceeds other advantages that exist at elite level’ IOC (International Olympic Committee 2021)

As it stands this is not a helpful definition since it includes the term (with variant) **disproportionate** in both the *definiens* and the *definiendum*. However, the second ‘disproportionately’ is unnecessary, and it can be taken out with no loss of meaning. This discussion normally rests on a currency of percentage advantages of males over females, and there is some sense in thinking that this is what the IOC is trying to convey. The thought, then, is that the percentage advantage that is attributable to *retained sex advantage* must not exceed the percentage advantage that is attributable to *other sources of advantage* at elite level. Read in this (charitable) way we get:

A disproportionate advantage is one that exceeds - in percentage terms - other advantages that exist at elite level. [Hence a proportionate advantage is one that is equal to or lower than other advantages that exist at elite level].

However, the project of operationalizing the category of disproportionate advantage in the way that the IOC suggests is a non-starter, for conceptual and epistemic reasons. The questions that need to be answered include: How do we individuate ‘other advantages’? How do we aggregate and disaggregate them? How do we resolve the question of choice and chance? These questions are *in principle* intractable. But if we cannot answer them, we cannot say what level of sex-based advantage constitutes MC.

The rhetorical force behind the idea of disproportionate advantage perhaps stems from what has come to be known as the ‘Phelps Gambit’ after the US swimmer Michael Phelps. It is worth trying to diffuse this rhetorical force in addition to unpacking the argument. The Phelps Gambit goes as follows: Phelps-advantages, such as his high anaerobic threshold, height, wingspan, big feet, a surprisingly rare torso to leg ratio and so on, are not thought of as unfair in male swimming. Equally (it is argued) the morally analogous residual male advantages of TW ought not to be thought of as unfair in female sports. Obviously, this is an argument from analogy. Our intuitions about Phelps-advantages are supposed to carry over to our thinking about TW advantages in female sport.

Note two features of the Phelps gambit. First, even if Phelps advantages are similar, in morally relevant respects, to the residual male advantages of TW, still, the argument could go the other way: it makes a case for a Phelps category for those with that set series of advantages. One person’s *modus ponens* is another person’s *modus tollens*. So even if the claim that Phelps-

advantages are analogous in morally relevant respects to residual male advantage held by TW then it doesn't follow that we should be permissive of residual male advantage in female sports.

Second, this directs us to the key question: whether the advantages are analogous in morally relevant respects. They are not. They differ in kind, in size, in distribution, in social significance, and in their effect on sporting performance. This is mostly a quantitative matter: the advantages held by Phelps are much smaller than male advantages.³

But in order fully to understand the emptiness of the Phelps Gambit, we should look again at a feature of the argument I pointed to before: the close relationship between justification of categories and eligibility into those categories. We are asked to consider the similarities, with respect to fairness, of residual male advantage and Phelps-advantage. But this is not a free-standing comparison. It is a comparison with respect to eligibility into sexed categories. With respect to sexed categories, created because of the existence of male physiological advantage, then male sex advantage is part of the eligibility conditions and Phelps advantages are not. Advantages that are just 'there' in one sense, are appropriately conceived of as fair and unfair, in another sense, with respect to those categories we decide to adopt. Since we – that is, the global sport community – have decided to adopt a female category, to secure fair equality of opportunity, then sex advantage takes on a particular status.

In an important paper Parry and Martinková (Parry and Martinková 2021) distinguish between category advantages and competition advantages. A competition advantage is 'a quality/ability that, *ceteris paribus*, might be thought to confer an advantage in competition' in each sport. A category advantage is an advantage of a different order: it 'provides the foundation and context within which competition advantages may be expressed' (Parry and Martinková 2021). If we can specify them carefully enough, the two types of advantages are mutually exclusive. This is because the point of category advantages is that we control for them, and the point of competition advantages is that we allow them to be manifested in competition: we allow them to play out. A sample conception is shown in [Table 1](#)

Our current understanding of sport rests on both category advantages and competition advantages. If there were no category advantages, sport would be a free-for all, and the winners would tend to be able-bodied men in their late twenties (*mutatis mutandis*). If there were no competition advantages

Table 1.

Category Advantage	Competition Advantage
Weight Advantage	Phelps-advantages
Age Advantage	Handedness Advantage
Sex Advantage	Height Advantage

and categories controlled for every advantage, there would be no competition at all, merely 8 billion categories, one for every human.

From this, it might seem that the argument over trans inclusion is simply a matter of conventional agreement about what we should count as a category advantage and what we should count as a competition advantage. And, as the two extremes show, we could in theory eliminate all category advantages or all competition advantages, so the decisions that we make are, in one sense, a matter of convention. We can decide whether we consider an advantage to be a category advantage or a competition advantage. The current proposal for the abolition of lightweight rowing (Giesbrecht 2022) is a conceptually straightforward matter: it is a proposal to move weight advantage from the left-hand column to the right-hand column. Equally, and more radically, the proposals to do away with the 'gender binary' in sport, to drop sex advantage as a category advantage (Tännsjö 2000; Foddy and Savulescu 2011; Travers 2023) represent a similar shift of sex advantage from the left-hand column to the right-hand column.

While we can shift types of advantage from left to right, and vice versa, there are logical constraints on the categorisation model we adopt. We cannot enter the same precise value on both sides: we cannot consider sex advantage as *both* category advantage *and* competition advantage. It is not open to us, on pain of contradiction, to say that sex advantage is *both* a category-founding advantage, and, at the same time, that sex advantage is permissible within a protected category. So long as we have female sport, justified by the physiological advantages of males, it cannot be fair to allow those with male advantage to compete in female sport. The IOC/Harper proposal looks like Table 2:

But residual sex advantage is a subset of sex advantage. TW have residual sex advantage because they are *male*. The problem is that one cannot both control for an advantage and, simultaneously, allow that advantage to be manifested on the field of play – thereby not controlling for it.

I now consider an objection and offer a rebuttal. It might be argued that, contrary to what I have suggested, it is possible to enter a type of advantage under both headings. Age is a categorical advantage, perhaps the clearest categorical advantage of all. Virtually all organized sport categorizes by age, by excluding senior athletes (say, in the range 18–40) from both Junior competition and Veterans competition and introducing subcategories within Junior and Veteran competition. Nonetheless, it seems highly likely that age advantages exist within those subcategories themselves, which we allow.

Table 2.

Category advantage	Competition advantage
Sex Advantage	Residual Sex Advantage

A 50-year-old runner has advantages over a runner who is 54 years and 11 months old, and a rugby player who is 17 and 11 months old has advantages over one who has just turned 17. Does this not show that age advantages can be entered on both sides? That *macro* age advantages are categorical advantages, but *micro* age advantages are competition advantages? And if we can consider age advantages in this way, why not consider sex advantages in the same fashion?

This objection rests on a false parallel between age advantage and sex advantage, because sex is dichotomous (Bhargava et al. 2021) and age advantage is scalar (Ganse et al. 2018). Since age advantage is scalar, to control for age advantage in a more fine-grained way we would have to introduce more subcategories, to move along the scale, and this would become impractical. (Still, we would continue to deny under-40 advantage in a 40+ category, *even if* the athlete concerned was 39, 11 months and 30 days old, and *even if* he felt an inner sense of being over 40.)

But the same problem of granularity is not present when we consider sex advantages. A straightforward exclusion of all male advantage from female sport is perfectly practical and does not require fine-grained categorisation.

This sets up the conditional: if TW retain male advantage, then it cannot be fair for them to compete in female competition (because female competition rests on considering sex advantage as a category advantage, not a competition advantage). The tension should be obvious between this conditional and Harper's claim above, seemingly endorsed by the IOC, that:

It may not be necessary, or even possible, to eliminate all individual advantages held by a transgender or intersex woman. Any remaining advantage, theoretical or real, held by a gender variant athlete would be only one component of their unique makeup.

The advantages held by TW don't spring out of nowhere. They have an aetiology that is, from the point of view of fairness, significant. They are sex advantages – advantages that are derived from the complex system of biological sex, primarily pubertal androgenisation (but note the existence of mini puberty (Becker and Hesse 2020)). The Phelps gambit is multiply confused, but the most important confusion is that it ignores the justification of the female category. Only if we ignore the female category and its significance – that is, only if we ignore category advantages – does the Phelps Gambit make some sort of sense.

Close competition with an unpredictable outcome

One possible criterion of MC that we might deduce from Harper's analysis is that competition is meaningful if the result is close, and/or unpredictable. There are two reasons to think that this might be relevant.

The first comes from a tradition in the philosophy of sport that follows Fraleigh's 'sweet tension' (Kretchmar 1975). Unresolved tension – in the sense of an unpredictable outcome, and well-matched contestants – is straightforwardly one criterion of maximally *exciting* sport.

The second reason is that Harper gives an account which aims to show that TW do not *dominate* when they compete in female sport. This, then, is designed to bolster the claim in the quoted paragraph. Harper commonly appeals to the idea of non-domination in both her academic and public work. The idea here is that the absence of domination by TW of the female class is some sign that their participation constitutes MC. But incorporating non-domination into MC fails to show that MC is fair.

Fairness and non-domination come apart very quickly because non-domination is neither necessary nor sufficient for fairness. This is because fairness in sport is a procedural matter; and non-domination is a results matter. Loland's now standard account of fairness in sport follows Rawls (Rawls 1971) in reading it as a form of pure procedural justice: 'there is no independent criterion or no distributed norm to define a just distribution: the procedure itself guarantees a just outcome. The paradigmatic case is a lottery' (Loland 2002).

This chimes with our intuitions and institutions. Usain Bolt dominated the 100 metres at the height of his powers and had a significant advantage over all other sprinters, dominating at the Olympic Games in 2004, 2008, and 2012. But this does not touch on the fairness of those races. Perhaps Bolt's finals races were not maximally exciting, but this is not a relevant criterion to use for the debate about inclusion. So non-domination is not necessary for fair sport: Bolt dominated, fairly. (See also, Michael Johnson, Miguel Indurain, Paula Radcliffe, Tanni Grey-Thompson and several others.)

Neither is non-domination sufficient for fair sport. Femke Van den Driessche seems to have competed in the world women's Under 23 cyclo-cross at Zolder with an electric motor concealed in her bike (Pike 2018). But she did not dominate and was forced to retire. This non-domination does not show that her competing with electronic assistance was fair. The upshot of this argument is that the repeated claim that non-domination by TW athletes shows that their competition in the female category is fair, is wrong. Non-domination is evidence of non-domination, nothing more.

Conclusion: Kinds and Quantities of Advantage

Fair competition often means excluding advantages that ought not to be present in sport at all, like advantages from performance enhancing drugs, or gene-doping. Sometimes it means excluding advantages that ought not to be present in a particular sport, like hidden electric motors in cycling. Sometimes it means excluding advantages that ought not to be present in

a particular category, like under-40 advantage in a 40+ category. In all these cases, it is not the size of the advantage that matters, but its nature, and in particular, its *aetiology*. Discussions about gene doping and similar threats to the integrity of sport concern themselves with the aetiology of certain advantages, and the epistemic problems involved in determining that. If we thought that aetiology didn't matter, and we should only regulate for size of advantage, we should radically alter our approach to anti-doping, and, indeed, the individuation of sport entirely.

In the cited passage, Harper and Pitsiladis say that residual sex advantage held by a 'gender variant' athlete would be 'only one component of their unique makeup'. It is important to notice what is going on here: the advantage is a sex advantage. It is true that sex advantage is only one part of the unique make-up of male athletes. But the sex advantage that all male athletes have is the advantage that excludes all male athletes from female sport. To consider this advantage, which manifests in hundreds of discrete but interconnected ways, as sex-neutral, is to sever the metrics from their aetiology. It is 'only one part of their unique make-up', but it is the one that matters, from the point of female sport.

The Harper/Pitsiladis understanding of MC obscures these differences of kind, only keeping out advantages that are too big (or 'disproportionate'), because they make the result a foregone conclusion. As I have said, Harper/Pitsiladis must pull off this conceptual move, because they recognise that TW retain male advantage. So they must argue that male advantages are permissible in women's sport if they are not too big. But, by this logic, most PED advantages, gene-doping advantages, or e-bike advantages would be allowed, too, since they, too, will not always be decisive. We could separate all these from their causal antecedents, too. But these advantages ought to be kept out of sport because of the *kind* of advantages they are. Likewise, male advantages ought to be kept out of female sport completely. Male advantages are the wrong kind of advantages in female sport, regardless of their size.

There is, then, no obvious argument to suggest that global sports authorities – and female athletes – should accept Meaningful Competition as a replacement for fair competition, or to adopt it as part of an ameliorative project. To do so would mean accepting that male advantage is permissible in female sport, and this contradicts the standard justification of female sport; the provision of fair equality of opportunity for sport success, which, in turn, requires the exclusion of male advantage. It is possible to argue, coherently, for the abolition of female sport. It is not possible to argue coherently for female sport, but also for the permissibility, within that, of male advantage. Such advantage is not fair in female sport. Whenever Harper/Pitsiladis, or the International Olympic Committee talk about Meaningful Competition, the

response ought to be that competition is only meaningful when it is fair. So-called Meaningful Competition is a snare and a delusion.

Notes

1. This is one reason some criticisms miss their target Burke, M. (2022) 'Trans women participation in sport: a feminist alternative to Pike's position', *Journal of the Philosophy of Sport*, 49(2), pp. 212-229. The view that TW are women here is a form of *petitio principii*. The assumption that TW have some sort of entitlement to be included in female sport is, it seems to me, wholly unmotivated. It's not that this claim is wrong, so much as that no argument is given, beyond a preference. But eligibility into regulated categories in sport is not justified based on preferences. This is what *eligibility* and *regulation* means. On this see (Imbrišević 2022)
2. In the 2018 passage Harper says that male advantage must be *minimised*. But this doesn't make sense. Suppose it turned out that 'gender affirming therapy' – when *minimising* male advantage, turned out to do it only by 1% of the 12% standard that is generally understood to apply to endurance running. This leaves 11% residual male advantage. The fact that residual male advantage existed at *this* level would not be propitious for advocates of the inclusion of male bodied athletes in female sport. The degree to which male advantage can be diminished is an empirical matter. But the thought that *minimising* might meet some sort of criterion of fairness is mistaken. The dialogue – 'look, I've done *all I can* to reduce my advantage' 'Oh, well, that's now *fair*' is not one that captures our reasonable understanding of fairness. I'm reasonably confident that the disproportionate clause has simply replaced this.
3. Phelps' advantages over his fellow male competitors ran at less than 0.5%. In contrast, male advantage between matched male swimmers and matched female swimmers runs at 10-12%. Phelps' world records have almost all been beaten, just as he was sometimes beaten by other swimmers with different advantages (such as the extremely fast start of Caleb Dressel. <https://www.yourswimlog.com/caeleb-dressels-start/>)

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