The Journal of Ethics
https://doi.org/10.1007/s10892-025-09523-x

A Sporting Case for Inclusion in High School Sport

Alex Wolf-Root[1]

Received: 26 October 2024 / Accepted: 2 April 2025
© The Author(s) 2025

Abstract
Who should be allowed to participate in what category in various sporting contexts is a pressing moral issue, not least of all for youth athletes. Currently there's significant legal, social, and philosophical pressure to exclude some athletes from competing in the categories that they'd prefer. This paper is specifically concerned with high school sports, although much of the discussion can generalize to other sporting contexts. Specifically, I engage with the argument that high school sports should exclude transgender athletes from participating on the team that best matches their gender identity on the basis that allowing athletes to compete in the gender category that best matches their gender identity would undermine competitive fairness, and so would undermine the purpose of high school sport. But, as I argue, this argument misunderstands sport. Sporting normativity must take into account not only competitive values, most prominently fairness, but also other values relevant to the particular sporting practice at hand. Sport is not simply a competition devoid of normatively relevant context. In this paper, I draw from the philosophy of sport literature to argue that this singular focus on fairness in arguments for exclusive participation policies is misguided from the point of view of high school sport, and, further, that it is in the interest of high school sport to have inclusive gender categories.

Keywords Sport · Transgender · Youth · High school · Fairness

1 Introduction

Recently there have been increasing attacks on transgender individuals in sport, with a major focus on high school athletes.[1] Since at least 2021, the American Civil Liberties Union (ACLU) has been raising the alarm about what it calls a "coordinated

[1] Barry-Hinton (2022), Medley (2022), and Taha-Thomure et al (2022).

Alex Wolf-Root
wolf-root.1@osu.edu

[1] Philosophy Department, The Ohio State University, Columbus, OH, USA

Published online: 03 May 2025

attack" on transgender student athletes. This is so despite a very tiny minority of high school athletes being transgender; The Associated Press, via NPR (2024), reports that "[t]here is no known number of transgender athletes at the high school and college levels, though it is believed to be small," with Pink News (Mitchell 2025) suggesting it's only in the double digits. When Kentucky passed a bill to ban transgender girls from playing high school sport with other girls, there was only one (known) transgender athlete to be impacted. (Strupp 2022) One of the first acts the US House took in 119th Congress was to pass a bill to ban transgender girls from playing sports on the same school teams with their fellow girls. (H.R. 28, 2025) This has effects beyond the field of competition. According to a 2023 Trevor Project report, "86% of transgender and nonbinary youth say recent debates around anti-trans bills have negatively impacted their mental health; as a result of these policies and debates in the last year." And cisgender girls are also being caught in the crossfire, as in the recent high-profile Utah case where "a tomboy with a muscular build and short hair who favors baggy clothing" was harassed after being targeted by a State Board of Education member. (de la Cretaz 2024).

Without suggesting that most of the exclusionary (or worse) discourse and policy proposals should be taken in good faith,[2] there is one aspect of a standardly given exclusionary argument that philosophers of sport ought to engage with: fairness considerations for sport. Many exclusionary policies and laws are being pushed, at least publicly, on the basis of fairness. A charitable version of such a position would argue that allowing athletes to compete in the gender category that, according to them, best matches their gender identity (henceforth "gender") would undermine competitive fairness, and that in doing so this would undermine the purpose of high school sport.

In this paper, I argue that this narrow focus on competitive values to guide sport policies in general, and on fairness to guide eligibility criteria more specifically, is misguided from the point of view of high school sport. Sport involves competition, but competition doesn't exhaust sport. Similarly, competitive values don't exhaust the values relevant to sporting policies. While it is beyond the scope of this paper to fully discuss the myriad values relevant to guiding high school sport—as will become clear below, doing so requires not just armchair philosophizing but also looking at how the world actually is—we will see that values along the lines of sportspersonship, integrity, inclusion, and respect can be understood as important ones to high school sport, and that such values can at times justifiably outweigh competitive values such as fairness. Once we better understand that more than competitive values matter for high school sport—as one would expect in the scholastic context—we can see that it is in the interest of high school sport to have inclusive gender categories. High school sports should let students compete on the

[2] For example, a 2023 analysis of legislative action against transgender people participating in US high school sport concluded that "Efforts to ban transgender athletes from participating in sports – both in general or in their legal gender category – are not solely about sport, nor solely about trans-rights. They are part of a much larger and ongoing political project in the U.S. among a faction of the GOP to roll back a variety of gains achieved by the LGBTQI + community." (Harris et al., 2023: 17).

team that best matches their gender as recognized in their other scholastic contexts, regardless of what they were assigned at birth. Once we understand that normative direction for sport cannot be fully understood through the lens of competition alone we see that, even if the claims about unfairness from inclusion were true,[3] it would not follow that high school sport should adopt exclusionary policies.

In the next section, I will present two situations showing that we already accept, at least in some circumstances, that sport has values other than just competitive values, and that these non-competitive values can take priority over the competitive values, including fairness, for sporting policies, including eligibility policies. In Sect. 3, I will look at some of the relevant literature on transgender policies in sport. In Sect. 4, I will show how much of the philosophy of sport literature recognizes that sport cannot be understood solely as competition, and that normative direction must take into account sporting contexts. Section 5 will focus directly on high school sport, and I will show that, while fairness and other competitive values do matter, fair competition is far from the primary guiding goal of high school sport, and that other major goals dictate that gender eligibility policies ought to be inclusive. I will then address a couple of counterarguments in Sect. 6, and then conclude that, from the point of view of high school sport, athletes ought to be able to compete within the category that best matches their gender.

Note that while much of what this paper says can be adapted to other contexts, this paper is explicitly focused on US high school sport. This focus has three purposes. First, US high school sport directly impacts millions of young people every year. Second, US high school sport is currently a major battleground for gender eligibility policies. Third, the particular institutional nature of US high school sport more clearly demonstrates the underlying philosophical issues at hand, that (at least some) sporting policies cannot be determined solely through considering competitive values like fairness. Much of the discussion here could well be transferable to other sporting contexts, but for the purpose of this particular paper in this particular context I'm only making the narrower claims about high school sport in the US.

[3] This is itself a contested matter. For the purposes of this argument this paper is accepting that such inclusion is harmful to fair competition, but the evidence isn't as clear as many might presuppose. For a comparison of age-graded performances of athletes who competed both before and after transitioning see Harper 2015. For a look at relevant physical characteristics in US military members, see Chiccarelli et al 2023. (Although the authors explicitly state their study shouldn't be used for the question of sporting competitions, the population of individuals doing athletic things where sport is not the top priority is relevant to high school, and the overall population that the military had access to is relatively large given the difficulty of finding subjects for such studies.) For a large review of empirical studies on transgender athletes' participation in competitive sport, see E-Alliance 2021. And for a look at some scientific problems in justificatory foundations for some international exclusionary policies, see Pielke et al 2019.

2 We Already Recognize Sport as more than Just Competition

It's crucial that we understand sport as more than just competition, but we can't ignore that sport certainly involves competition. And there's much valuable literature on sporting value that focuses on sporting competition. Edwin J. Delattre's 1975 paper (arguably) set the scene for viewing "the basic condition of success" of athletic competitions as "mutually to discover worthy opponents," (134) a view (arguably) now more associated with Robert L. Simon (1991) claim that "the sports contest as a test of skill, a mutual quest for excellence by the participants." (50) Nicholas Dixon (1999) holds that sporting contests are fundamentally comparative tests of skill. Sigmund Loland (2002) holds that "[t]he structural goal of sport competition is to measure, compare and rank two or more participants according to athletic performance" (44) leading to a (partial) conclusion that just competition involves (at least) that "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." (105).

While there's meaningful disagreement about what follows for the particular values of competition and sport policies, values in sport are often taken to be competitive values, and good competition is often taken to be or involve fair competition, with the view that policies should (often) follow these values. For example, the "Skill Thesis" view of sporting competitions, where sporting competitions are fundamentally tests of athletic skill to determine who is more skillful, "require[s] recourse to the notion of a test as a *fair comparative measure*." (Flynn2021: 192) Delattre specifically mentions "handicapping, establishment of weight divisions in boxing and wrestling, age divisions in junior and senior competition, and division of amateur and professional" (138) as relevant fairness concerns falling out of his understanding of sporting competitions.

As we'll see below, arguments for exclusionary gender categories in sport seems to accept that sport is fundamentally or primarily a competition, and so accept competitive values as the major or primary values, with fairness specifically being a major value at issue in discussing gender categories in sport. Yet even some of those who focus their work on the competitive aspect recognize that there is more to sport than competition. As Sigmund Loland (2002) stressed in the opening to his *Fair Play in Sport*, given that sport happens in "a socio-cultural setting, quests for 'objective', ahistorical definitions make little sense," and so the exploration of fair play at issue in much of these discussions (his book included) is only applicable to "what are traditionally seen as the core of sport practice, the competitions." (1).

The argument that high school sport should be inclusive, in the sense of letting transgender athletes compete within the category that best matches their gender, relies on the view that sport cares about more than solely competitive values such as fairness, with the specifics dependent (at least in part) on the particular sporting institution at hand. Before engaging with more foundational literature on sporting normativity more broadly, I'll first present two cases that illustrate this general point. First, I'll present a discussion from Michael Burke & Caroline Symons

(2016) where, due to concerns of the competitive values of sport, certain behavior that is typically highly frowned upon in many sport contexts is broadly supported due to the particular context making the typically frowned upon behavior helpful to the promotion of the sport's values overall. Then I'll give a brief discussion of American collegiate sport, a sporting institution presumably far more familiar to my audience, where we accept and arguably even celebrate that non-competitive values dictate eligibility requirements, sometimes to the point of harming competitive values including fairness.

Like the Olympics, the Gay Games are a quadrennial international sporting event. Like other sporting events, the Olympics included, the Gay Games has values that are not only competitive. Per the Federation of Gay Games, "[t]he Gay Games is built upon the core principles of Participation, Inclusion, and Personal Best™." Importantly,

> [i]t is a fundamental principle of the Federation of Gay Games that all activities conducted under its auspices shall be inclusive in nature and that no individual shall be excluded from participating on the basis of sexual orientation, gender, race, religion, nationality, ethnic origin, political belief(s), athletic/artistic ability, physical challenge, age, or health status.

This is not to say that the Gay Games isn't also about competition, as both the results and the inclusion of "Personal Best" in the mission statement can attest. But competition isn't all that matters. This is central to understanding the doping policy of the Gay Games.

Doping is regularly banned in sport, often due to viewing sport as fundamentally about competitive excellence, with doping being antithetical to this competitive understanding. (Simon 1985; Dixon 2008; Devine 2011; Gleaves 2010; Murray 2019). Others, like Sigmund Loland & Hans Hoppeler (2012) join the World Anti-Doping Agency (2021) as being more explicitly concerned with fairness. (But the overall doping literature is far more complex, and by no means are such views universally accepted[4]) Yet many substances banned by the World Anti-Doping Agency are substances that are important for some participants in the Gay Games to use for non-competitive but nonetheless central to the purposes of the Gay Games reasons, such as testosterone for transitioning or steroids for dealing with HIV. As Burke & Symons discuss, through "democratic discussions that question the contradictions between their original and underpinning philosophy of mass participation and inclusion, and a mainstream philosophy of sport that supports exclusionary drug rule," the Gay Games created anti-doping policy to allow substances to be used that would generally be banned. (2016: 277).

[4] Craig L. Carr (2008) argues that fairness concerns don't make sense at the preparatory phase of sport, and so rules against performing enhancing substances outside of competition cannot be justified (if anything, this line of reasoning could likely help support my overall conclusion). Elsewhere (2022) I've argued that much discussion on doping misses the question by wrongly assuming that there is an institution-independent understanding of doping, rather than understanding doping as relevant to the sporting institution in question. For a recent discussion of the state of the doping literature, see Hochstetler et al. 2024.

According to their Rules, Policies and Procedures, the Federation of Gay Games "believes that, as a rule, drug testing is not appropriate for the Gay Games. […] Drug testing is by its very nature invasive and violates the Participant's right to privacy and physical integrity." They recognize that while drug testing "may be an appropriate price to pay for elite athletes, it is not justified for an event like the Gay Games which focuses on Inclusion for all." (2025) This is not to say that they encourage substance use for the purpose of performance enhancement. Although competitive values also matter, when this policy decision on drug testing puts non-competitive values such as inclusion, privacy, and integrity in conflict with competitive values such fairness, the non-competitive values take priority.

Although this example is not about gender categories, it is about eligibility criteria and competitive values, including fairness, and so it should be immediately relevant to the subject at hand. Both substance policy and gender policies are policies of eligibility for competition. If you have used certain substances then you can't compete in a certain competition or category; if you have certain personal gender or sexual characteristics then you can't compete in a certain competition or category. The justifications for substance use policies are (often, but not exclusively) justified by concerns of fairness, just as justifications for gender policies are (often, but not exclusively) justified by concerns of fairness. Understanding the Gay Games substance policy situation illustrates how, in at least some circumstances, sport eligibility criteria are justifiably based in part on competitive values and in part on other key values of that sport that might run against competitive values. In the context of the Gay Games, Burke & Symons recognize that "the 'perfectionist' purpose of sporting policies runs second to, but not in opposition to, other purposes of sport policy-making." (2016: 277) And this is certainly not the only context where that is true.

While the Gay Games might be less familiar to many, there's another sporting institution that many more sports fans are familiar with which also has policies, including eligibility criteria, that are justified not by competitive values like fairness but rather other core values for that institution. I'm talking about American college sport as governed by the National Collegiate Athletic Association (NCAA).

The NCAA takes as its purpose to "[p]rovide a world-class athletics and academic experience for student-athletes that fosters lifelong well-being."[5] (NCAA 2021b) Doing so requires a range of policies at odds with competitive values, including fairness, such as restrictions on (mandatory) athletic training and academic progress requirements for eligibility. Such policies make little sense when viewed through the lens of sport as concerned only about competitive values, but are often celebrated when talking about college sport because they promote other crucial college sport values.

[5] This is not to say that college sports in the US are typically in actuality as committed to academic values as they claim, as I've argued elsewhere (2025, 2022). It's especially worth noting that the term "student-athlete" was promoted for the purpose of protecting the NCAA and its member institutions from having to treat college athletes as the employees they (arguably) were. (Byers and Hammer 1995) However exploring these and related issues is far beyond the scope of this paper.

Not only do academic policies harm competitive value by taking athletes away from training, but most crucially for purposes of this paper, they can be unfair from the point of view of competitive fairness. This is because academic eligibility polices, while set by the NCAA, are relative to each institution. Making sufficient academic progress at some rigorous institution is a different eligibility requirement than making sufficient academic progress at some more lenient institution, and the same thing can be said for more or less rigorous majors. In a paper aimed largely to educate the higher education community on the NCAA's academic metrics, LaForge and Hodge (2011) explain that even though there are "minimum NCAA academic regulations, as a condition of participation in NCAA events [, a]thletic conferences may also have academic policies. However, broader institutional academic policy affecting student athletes remains the purview of each individual school." (217) They further explain how "a school with an extremely challenging first- or second-year curriculum designed to establish a high standard of academic performance" (229) is likely have different consequences for athletic eligibility.

While the idea of college athletes all taking easy classes is overstated, there's a sizable literature about athlete clustering, due in part to the role of athletic departments trying to keep athletes eligible to play, with this, like most anything else, varying school to school. (Fountain and Finley 2009; Fountain and Finley 2011; Paule-Koba 2019; Kalman-Lamb and Silva 2024) The UNC scandal—where hundreds of fake or "paper" classes were used to largely, but not exclusively, support college athlete athletic eligibility—is arguably the clearest example, but it's only an extreme illustration of how schools engage with NCAA academic requirements; crucially this UNC scandal was not an NCAA violation. (Smith and Willingham 2015) This isn't to say that some might not lament the different academic standards and treatments from the point of view of competitive balance, but this is not the NCAA's line. The NCAA has, perhaps infamously, made clear that legally it needn't "ensure the academic integrity of the courses offered to student-athletes at its member institutions." (Ganim 2015) While in particular circumstance that view might look problematic, the NCAA is not aiming to have uniform educational experiences for all athletes, but that the athletes are having meaningful educational opportunities at their particular institutions; it's explicit in recognizing and supporting that athletes must abide by "the unique acceptance requirements of the college or university they plan to attend (which may exceed NCAA standards)." (NCAA 2021a) The NCAA's academic eligibility requirements can be unfair and reduce other competitive values of sport (even if this isn't their goal), but to do away with such academic eligibility policies would be to do away with something fundamental to college sport. Sometimes academics values and competitive values come in conflict, and to the NCAA the former take priority. As the NCAA explains on its FAQ page, [t]he association's belief in student-athletes as students first is a foundational principle." (NCAA 2014) And what it means to be a student at one institution isn't identical to what it means to be a student at another.

With this better understanding of how in the real world we already recognize that there are important values beyond just competitive ones such as fairness that are relevant to sporting policies, including eligibility policies, we are now better situated to take a look at the literature on gender categorization sport.

3 Situating Ourselves in the Gender Eligibility Policy Literature

As we've just seen, there are at least some sporting institutions where, although competitive values, including fairness, matter, competitive values do not take priority for all policies, least of all eligibility policies. However, within the literature on gender eligibility policy in sport, it's fairly common to presuppose that competitive values, fairness most of all, take priority over (almost) everything else, and so a relatively common conclusion drawn is that transgender athletes should be excluded from the category that best matches their gender.

Jon Pike (2021) explicitly argues that fairness is lexically prior to inclusion (though lexically posterior to safety) when it comes to how international federations should determine eligibility categories, and elsewhere (2023) argues that we can't escape fairness concerns by focusing on related concepts such as "meaningful competition." He gets to this result in part by accepting the view that "[i]n sport, the purpose is to compare physical performance at difficult actions," (6) which lead him to accept physical characteristics as relevant to determining categories for competition. Pike thinks that the focus on fairness in sport should be on the categories in question, as opposed to particular in-competition advantages.

Pam R. Sailors (2020) recognizes a wide range of competing views, values, terms, and starting places, yet even while admirably trying "to discover and elucidate the foundational commitments underlying the most common arguments" (419), Sailors simply takes for granted (while recognizing she's doing so) a central role of "fairness" in the discussion.

> I won't argue for the claim here, but I think there is a strong case to be made that fairness in physical competition is the fundamental value in sport, perhaps even a prerequisite for the existence of sport. If we think of sport as a mutual quest for excellence, then participants should have a reasonable chance of winning. (420)

One of the more prolific scholars in the area, Irena Martînková, has said that inclusion is "the primary value underlying eligibility rules," (2023: 352), and recognizes "values in sport are created through sport itself, and therefore have to be derived from the activity itself." (2021: 251) Despite what that might sound like at first glance, she seems to be more in line with the views of Pike and Sailors than with my view given her underlying commitment to understanding sport as competition. Martínková, Jim Parry, and Miroslav Imbrišević claim that "[s]porting categories exist in order to afford relatively equitable competition within a 'protected' sub-category," (2023: 30) and that "[t]he purpose of competition is to measure performance; not to give athletes an opportunity to find meaning in their lives." (31) Given this, Martínková pushes against what she considers a narrow understanding of "'inclusion' meaning 'inclusion of transwomen in the female category'" often used in the literature; we can both agree that "inclusion" is important, but we mean crucially different things when we say that.

While these scholars offer important discussions on categorization and competition, I find their claims are often too broad because I find their understanding of sport is often too narrow.

I'm happy to accept, for present purposes, the claim that *a* (not *the*) purpose of sport is to compare physical performance at difficult actions. But this isn't the only purpose, at least not if we understand sport as it exists in the myriad of different ways it does in our society, rather than solely as competition. And this understanding is held not only by the philosophy of sport literature (as we'll discuss below) but, given the acceptance of various rules in large sporting institutions, by at least much of the public. Take American Football as played in the National Football League (NFL). Surely this comparison of physical performance is a purpose here, but this sport is also about entertainment. Without that broader understanding of its purpose as more than just the comparison of physical skills it wouldn't make sense that the official rules of NFL games are dictated in part by the state of television, such as with regards to timeout length. (NFL 2024, Rule 4, §5.1.2) Connecting to our earlier discussion, while we should accept that a purpose of both Gay Games sport and NCAA sport is also to compare physical performance at difficult task, there's also the purposes of inclusion and developing well-rounded students, respectfully, with these purposes justifiably impacting those rules in those circumstances. Even if we accept that the purpose of sport *qua* competition is to compare physical performance at difficult action, by recognizing that sport in reality is more than solely competition we can rightly recognize that there can be multiple purpose of sport, and so recognize that competitive values don't necessarily always dominate.

Similarly, while I'm happy to accept some importance of fairness to sport, Sailors's view quoted above seems too strong. If fairness in the sense of each participant having a reasonable chance of winning is a prerequisite for the existence of sport, then many athletes will be shocked to learn that for much of their sporting career they weren't actually doing a sport. Philosophy can certainly lead to counterintuitive results, but if we've got to get all the dominant "winners" to give back their medals because they were not actually doing sport since there was no reasonable chance for some of their competitors to beat them, I think we've gone too far.[6]

A more charitable interpretation of Sailors would focus on the relevance of fairness to the quality of the competition. This seems much more plausible. From Robert L. Simon (1985) on doping to Nicholas Dixon (1999) on the concept of "failed athletic contests" (these are still sporting contests, just defective ones) to even myself on World Athletics' failed "Final Three" policy (Wolf-Root and Cody

[6] If a reasonable chance of winning were a prerequisite for the existence of sport then any mass event would not be a sport; take for example the London Marathon, where the average finishing time is closer to double the winner's finishing time than the winner's actual finishing time. Neither would many games in team sports between radically unevenly matched opponents, situations that are not terribly rare at the high school or even college level. Your humble author alone can easily think of multiple of my most meaningful, excellent sporting moments that came in competitions where I had effectively no chance to win, as well as such a moment that came in a competition where I had effectively no chance, barring injury, to lose.

2022), it's not rare to see this focus on the value of close competition and the mutual quest for excellence across the sport literature. But this focus is on the value of the competition proper, which need not be the entire value of the sport in the context at hand. The problem, I suggest, with the views of Martínková, Pike, Sailors, and others, is that sport is often viewed solely or primarily as a competition, in contrast to understanding sport as (merely) involving, even if necessarily involving, a competition. Just because competition is fundamental to sport, that doesn't mean that competition exhausts the relevant considerations for how we ought to do sport.[7]

All of the above isn't to say that high school sport shouldn't care about competitive values in sport, least of all that it shouldn't care at all about fairness in competitions, but rather that once we better understand the purpose of high school sport we'll see that competitive values do not exhaust the values relevant in determining sporting policy. Fairness, like other competitive values, is just one among many values, rather than a value that dominates (most) others. Sailors herself gestures at how we ought to take "special caution to ensure consistency in their underlying principles and commitments" when discussing eligibility policies given that,

> we have to recognize that sports are varied. The existing discussion has tended to focus on individual power sports, but the variety of sports is far richer. We can distinguish between individual and team sports, between direct and indirect competition, between contact sports and noncontact sports, and between amateur and professional sports

I'm simply showing that the variation can be larger than some in this literature have yet acknowledged.

Others have also argued that it is not simply the competitive aspect of sport that is important for how we organize sport, and so we must look beyond just competitive considerations when it comes to gender policies in sport. John Gleaves and Tim Lehrbach (2016) focus on the meaningful narrative aspect of sport in their argument for inclusion. They argue that the "idea of meaningful gendered narratives provides a reasonable justification *for* gender-segregated sport" and so "[c]onsidering gender's role in sport in this light, the rationale for inclusion of transgender and intersex athletes should be based on the fact that these athletes are as immersed in writing their meaningful narratives as any other person playing sport." (2016: 320) Others argue for related conclusions while focusing on some other general value, rather than grounding the argument in the specifics of the sporting institution at hand. Colleen English and Lindsay Parks Pieper (2022), for example, argue that sport cannot focus on fairness until it's focused on justice, and that justice demands allowing transgender athletes to compete with their gender in school sports. And

[7] This isn't a unique feature of sport. Just because some feature is fundamental to some object or activity doesn't mean that only considerations of that feature matter for that object or activity. Tracking time is fundamental to clocks, having two wheels is fundamental to bicycles, and educating students is fundamental to schools, but we don't think that someone's necessarily done wrong if they've made artistic but confusing markings on their clock (making it less easy than it otherwise would be to track time), attached speakers to their bicycle (making it less effective moving on its wheels), or given students an end of the year daytime celebration (making it so there's less time for education).

Michael Burke (2022) stresses the importance of increasing political power of and outcomes for women in and by sport through the building of "feminist coalitions" in women's sport. He does so in part drawing from Jane English (1978), where, among other things, she has us imagine the "just society" where we would "make the basic benefits of health, teamwork, and fun equally available to everyone [even if the] [j] ust distribution of the scarce benefits is somewhat more complex." (276–277) Doing so, she recognizes, "means we must disturb a 'Pareto optimal' situation." (277)[8] While much discussion on gender categories in sport seems to focus too much on the competitive aspect of sport, others certainly recognize that fairness and related values are not necessarily dominant over other values.

Crucially, the idea that there's more to sport than just competition isn't simply an idea trotted out when it comes to gender categories in sport or to high school sport. On the contrary, literature on the nature and normativity of sport recognizes that there is more to sport than rules or competition, even if this literature is seemingly ignored by many writing on gender categorization in sport. In the following section we'll get a better sense of how sporting values in general cannot be fully understood through the lens of competition, and so better understand why it is in the interest of high school sport to have inclusive gender categories.

4 Sport as more than Competition

When looking at sport as actually done in the real world we see that there is more to sport than simply the rules and competition. And the literature on the nature of sport often recognizes this, even if many of those who write on the topic of gender categorization in sport don't engage with this aspect of the literature. Sport is a socially constructed activity not fully captured by, even if necessarily involving, competition. While there are concerns about if it's the correct application, some sport philosophers view sport(s) as something like (a) MacIntyrean practice(s) (see McNamee 1995 and McFee 2004 for example). Despite desires for a simple, universal definition of sport that is solely about competition, many argue that we have to understand sports as something like social practices, where the specific context matters. Graham McFee explains that.

> [t]he apparent lack of elegance is the price to be paid for a realistic picture of sport (rather than an idealized one), one engaged with the (sublunary) world of sport and, hence, that can reflect both the different contexts within which a particular sport is played […] or the different interests we might have in discussing sport – as fan, teacher, anxious parent, philosopher, and a lot more. In this way, institutionalism licenses the detailed consideration of a particular sport: sports practices can be addressed as they are encountered by the variety of those engaged with sport. And all have a potential role here. (McFee 2015: 64)

[8] This isn't to make any claims about what English herself may have thought about transgender athletes.

This isn't simply the view that sport is done differently in different contexts and that there is descriptively more to sport than competition, but rather that these differences can matter for normative issues. The same sport *qua* type of competitive activity can have different rules in different particular sporting circumstances so as to better promote sport-specific athletic excellences. For example, hurdle heights for junior competitions are lower than standard senior/international height, and aluminum bats are banned in professional baseball while allowed in college ball.

Additionally, rule differences between different sporting events of the same sport *qua* competitive activity can also be justified by considerations that go against competitive considerations of athletic excellences. For example, a youth baseball league might mandate that all players in a youth baseball game get certain amounts of playing time despite such a rule reducing the athletic excellences displayed by not allowing the best athletes to compete as much as they would if athletic excellence or related athletic virtues were the only guiding values. In the aforementioned NCAA situation, the academic policies restricting eligibility for college athletes are dictated in part by academic values that push against competitive values, including against fairness; eligibility policies are relative to individual schools, and different schools have different academic pressures, and so differently impact eligibility on the basis of things irrelevant to competitive values.

A robust discussion of competing normative theories of sport is beyond the scope of this paper, but it's valuable to briefly address two main contenders, conventionalism and internalism, so that we can see how leading theories of sporting normativity accommodate the need to consider more than just competitive values.

Conventionalism, which gives normative guidance due to different conventions at hand, draws roots from Fred D'Agostino's argument that formalism—the view that all there is to sport is rules—fails to account for how decisions are actually made due to formalism's ignorance of a game's "ethos"—"those conventions determining how the formal rules of that game are applied in concrete circumstances." (1981: 7) William J. Morgan (2020) explored a more developed conventional ethical theory of sport that.

> is based on an account of moral argument that requires we locate the giving and asking for reasons on how we should comport ourselves in sport to the interior of the moral vocabularies and language games played by athletic communities at a time and place. (2020: 193)

On such a view, "conventions play a central role in determining the point and purpose of athletic undertakings in certain contexts, to particular communities, at specific times." (2012: 72)[9] This means that we can get different guidance on the same "value" depending on the context. He largely discusses the amateur versus professional distinction in his 2020 book as just such an example, noting "what

[9] This quote is actually from an older article arguing for a version of conventionalism he called deep conventionalism, a view he has since rejected in favor of his more developed conventionalist ethical theory from his 2020 book (see Moore 2018 for an argument against deep conventionalism). The quoted view of conventions is still applicable to his more developed view.

fairness and welfare mean to amateurs will be quite different from what it means to professionals." (2020: 178) Thinking back to our Gay Games discussion, what fairness and welfare mean to members of that sporting community might well require the acceptability of using various substances that would, in other sporting contexts, be harmful to fairness and welfare.

This is not to say that all philosophers of sport agree with conventionalism as the best way to understand normativity in sport. Those who oppose conventionalism tend to be internalists.

As a leading proponent of (broad) internalism Robert L. Simon puts it, "[b]road internalism claims that in addition to the rules of various sports, there are underlying principles that may be embedded in overall theories or accounts of sport as a practice." (Simon 2018: 67) While excellence is often the main principle cared about by broad internalists, Simon included, at least some contemporary internalists argue that we can only understand sport through multiple internal principles. Sinclair A. MacRae argues that, despite taking its motivation from Dworkin's legal interpretivism, internalism in sport cannot have excellence as the sole internal goal because excellence isn't ethical (in contrast to justice in legal interpretivism) and because it underdetermines results, undermining the purpose of having a sole top-level goal. Rather MacRae argues for a shallow interpretivism that, while still interpretivist, holds that "excellence is not one simple goal and that there are other values besides excellence that shape and should shape sporting norms and that these sometimes-conflicting values are generated from the different interests of a sport's various stakeholders." (2017: 296) Value pluralism and context-dependent readings of broad internalism are seen by other leading sport scholars as well. For example, J.S. Russell mentions the importance of referees relying on "civility" in addition to more competitive values. (1999: 36) And Nicholas Dixon says that realist broad internalists "do not propose that we clumsily impose a single, universal, unchanging view on sporting issues that ignores vital differences between different places and different eras." (2003: 114).

MacRae's comment about sometimes conflicting values is worth stressing for present context. The value of inclusion in the Gay Games entails an eligibility policy friendly to substance use, where such a policy can conflict with competitive values including fairness. The value of academics in the NCAA entails eligibility criteria around limited (mandatory) practice time and required academic achievement, where such criteria can conflict with competitive values such as fairness and athletic excellence. Many discussions of gender categorization in sport go wrong, I suggest, in that they ignore the significant literature on sporting normativity in general, even if engaging meaningfully with the literature more narrowly focused on sporting competitions. But while sport involves competition, competition doesn't exhaust the normatively relevant considerations for doing sport. As we'll see below, the values of high school sport entail policies, including gender eligibility policies, that might be at odds with some competitive sporting values such as fairness.

5 High School Sport

High schools are not monolithic, and it's plausible that there are some high school contexts that are so different from the rest that they'll come to a different conclusion about the topic at hand. However most high school sports are similar enough with some core purposes and values such that having inclusive gender categories will be the right thing for high school sport. As mentioned in the introduction and given stronger theoretical grounding in Sect. 4, fully understanding the purposes and values in some particular sporting context cannot be done solely through armchair philosophizing; we need to see how the world actually is. An exploration of all sporting policies in any given sporting context would require more nuanced, precise exploration of all the relevant values through more rigorous sociological work, but what we have here should be sufficient for present purposes. When it comes to high school sport we can take guidance from important institutions in the high school sport landscape, particular school sport programs, and the views of athletes and coaches.

Although there are some exceptions, most high school sport in the US is structured in part by the National Federation of State High School Associations (NFHS). As per its mission statement the NFHS "[s]erves as the national authority that promotes and protects the defining values of education-based high school athletics," it makes sense to start there when it comes to identifying these defining values. Although the NFHS doesn't explicitly state what they take the purpose of high school sports to be, we can make some inferences by looking at their words, starting with the "We Believe" statement that's central to their Mission Statement page.

Student participation in education-based high school athletics and activities:

- Is a privilege.
- Enriches the educational experience.
- Encourages academic achievement.
- Promotes respect, integrity and sportsmanship.
- Prepares for the future in a global community.
- Develops leadership and life skills.
- Fosters the inclusion of diverse populations.
- Promotes healthy lifestyles and safe competition.
- Encourages positive school/community culture.
- Should be fun. (NFHS 2024)

Here we see many values well beyond just competitive values. Some, such as safe competition and sportsmanship, might well fit (almost) any other sporting situation. Others might seem quite out of place in distinct contexts; Major League Baseball need not concern itself with enriching educational experiences, and Ultimate Fighting Championship (which runs some high-profile mixed martial arts competitions) need not promote healthy lifestyles; rules and norms to promote those ends would be secondary at best or out of place at worst in those institutions. Yet a high

school sports program that did nothing for the students' educational experiences and healthy lifestyles would seem deficient as a *high school sports* program. A conventionalist might describe this as the NFHS recognizing how high school sport is generally done and what norms are generally looked favorably upon by the community engaged in high school sport (including coaches, parents, teachers, and more), while an internalist might describe this as the NFHS doing its best to grasp and put into words the underlying principle of high school sport. On the other hand, a view of sport that took into account only the competition itself would be unable to accommodate high school sport policies around practice time, academics, (some of the) regulations on coach interactions with athletes or athlete interactions with other athletes, and more connected to these non-competitive values such as educational experience and positive culture.

Similarly, goals beyond competition are highlighted by state athletic associations (themselves associated with the NFHS), The California Interscholastic Federation (CIF) lists "trustworthiness, respect, responsibility, fairness, caring and good citizenship" as their six core principles, adding that those involved in CIF sport "must assure that education and character development responsibilities are not compromised to achieve sports performance goals and that the academic, social, emotional, physical and ethical well-being of student-athletes is always placed above desires and pressures to win." (CIF 2023). Similarly, the University Interscholastic League (UIL) of Texas, claims on its purpose page one of "Educational Competition" "that assist in preparing students for citizenship. It aims to provide healthy, character building, educational activities carried out under rules providing for good sportsmanship and fair play for all participants." (UIL 2024) While views of individual high school coaches will vary, it's common to hear a view of high school sports as an extension of the classroom education or an activity for promoting values such as hard work and discipline. This is not to say that athletic excellence through fair competition is not routinely discussed as well, but rather that they are just part of the purpose.

Critically, the inclusion of values other than competitive ones isn't simply understood as having secondary values to care about in high school sport. On a page for "Defining Our Purpose," specifically from the point of view of coaches, the NFHS makes explicit that competitive opportunities to advance in sport are not the priority, saying that "[a] greater and more important purpose of our programs is to provide opportunities to make ethical, caring, empathetic people." (Redman 2016) This is not them saying that the competitive values don't matter deeply, but it does illustrate how in this context competitive values are not of more importance than some of the other values of high school sport. Without this understanding, we wouldn't have the conceptual tools to understand how academic eligibility rules would be justified.

While the NFHS does not have regulations on gender categories itself, it has highlighted the value of inclusion on multiple occasions, including hosting workshops on the topic, with the slides from one currently hosted on their website explicitly listing inclusion, fairness, balance, and evidence-based as the four relevant policy considerations. (Johnson 2023) While Pike (2021) argues that it's difficult to understand what it would means to "balance" fairness and inclusion, this difficulty doesn't simply mean that we should place fairness over inclusion in all situations.

Indeed, even Pike himself seems to gesture at the broader context mattering, as part of his justification for the lexical priority of fairness over inclusion involves a direct appeal to a 2015 International Olympic Committee (IOC) document relevant to that particular context.[10]

Health and safety are often brought up in discussions of sport categorization, not only by those promoting a range of value of sport as we've just seen in the high school sporting context, but also by those who oppose transgender athletes competing with others of their gender. Pike, for example, claims that "the lexical priority of safety over other criteria." (2021: 7) While I don't disagree that safety and health are relevant to sporting policies, it's far from clear that this means that transgender athletes should not be allowed to compete with others of their gender in most circumstances. Not only do many sports already have categorization by weight and age to get at some of these concerns, and not only is there significant variability in the strength of cisgender athletes (not least of all in youth contexts), but many sports are non-contact such that this aspect of safety isn't at issue regardless of who is playing. Further, there's growing evidence that inclusive sport policies are relevant to supporting transgender (and other) athletes' health, including in reducing suicide risk, a very significant consideration for health and safety concerns indeed. (LaRocca et al 2023; Lee et al 2024).[11]

It's worth noting that much of the discussion of health and safety in the context of gender categorization seems to implicitly focus on the risk of harm to cisgender athletes. Both the risk of harms to transgender athletes, as well as the potential for health benefits to transgender and cisgender athletes, seem to be less in focus when talking about health and safety in these contexts. While it's beyond the scope of this paper to explore further, we should think about whose safety and what sort of safety is taken to matter, both with regards to what policies are ultimately in place and with regards to what is messaged in discussions on safety.[12]

Even if we accept the assumption that allowing transgender athletes to play in the category that best matches their gender is harmful to fair competition, we need not be committed to the view that exclusionary policies are in the interest of high school sport. Once we see that the purpose of high school sport seems to focus more on values like sportspersonship, integrity, inclusion, and respect than primarily on competitive values like athletic excellence and fairness, we see that eligibility criteria that are inclusive are better justified for high school sport.

As the American Civil Liberties Union explains, inclusive eligibility policies don't simply benefit the athletes who otherwise would be excluded, but are critical to achieving some of these non-competitive values of high school sport:

[10] It's worth noting that not all agree that the IOC principles entail exclusionary policies. For example, Veronica Ivy and Aryn Conrad (2018) argue from Rawlsian perspective that fairness concerns entail that the IOC should allow athletes to compete in the category that matches their legal gender.

[11] Additionally, one might well think that if we took safety seriously we'd do away with violent sports like rugby, American football, boxing, and more, but that discussion is beyond the scope of this paper.

[12] I am indebted to an anonymous reviewer for their insightful feedback in helping me better recognize this.

> Including trans athletes will promote values of non-discrimination and inclusion among all student athletes. As longtime coach and sports policy expert Helen Carroll explains, efforts to exclude subsets of girls from sports, "can undermine team unity and also encourage divisiveness by policing who is 'really' a girl." Dr. Mary Fry adds that youth derive the most benefits from athletics when they are exposed to caring environments where teammates are supported by each other and by coaches. Banning some girls from athletics because they are transgender undermines this cohesion and compromises the wide-ranging benefits that youth get from sports. (Strangio and Arkles 2020)

We see here many values of high school sport, as expressed earlier through the NFHS, such as promoting respect and encouraging positive school culture. Similarly, as a recent Hastings Center report on restricting transgender youth in sport concludes,

> [y]outh sports at their best foster teamwork, socialization, and physical and mental health. To achieve these ends, youth sports must promote an inclusive environment for all. … The benefits of allowing trans children to play sports without regulatory restrictions that promote discrimination, harassment, and invasion of privacy will also extend to their cisgender teammates. (Moyer et al, 2023: 13)

We also see in the above broad support for two of the other NFHS stated values, preparation for the future in a global community and the fostering of the inclusion of diverse populations. While it might not be the case for everyone, high school sport can often put us on teams and competitions with those who might differ with us by race, religion, nationality, political views, and more. Encouraging this can help break down stereotypes and prepare us for our future world where we will be part of a more diverse, global community. Given that transgender people are, and have long been, part of our global community, eligibility policies that include transgender athletes on the teams that best match their gender are helpful towards these goals of high school sport.

Exclusionary policies, on the other hand, can undermine some of these goals. In a study on state-level bills aiming to restrict transgender athletes' participation in sport, Elizabeth A. Sharrow (2021) argues that they have the effect of "protecting an increasingly outdated status quo" (21) by promoting "a state-sanctioned return to a narrowly cis- and heteropatriarchal gender order." (2) Similarly, Desjardins et al (2022) critically evaluate some recent exclusionary high school sport bills finding that, among other things, "produce gendered subjects by seeking to regulate them, reifying simplistic notions of biological difference to construct the trans girl subject as threatening the cisgender girl subject as injured and in need of protection." (11) Relatedly, Mia Fischer (2023) analyzes the rhetoric around state-level bills from 2020 and 2021, arguing that "these bills' reinforcement of sex segregation in sports is inextricably tied to maintaining a patriarchal cisgender supremacy whereby all cisgender women are assumed to be weaker than men and in need of protection." (2) None of these results seem in line with high school sport encouraging positive community or respect, be it in their school, local community, or future global community.

Once we better understand high school sport we see that letting transgender athletes compete in the category that best matches their gender is good for high school sport.

6 Objections

There are many who would object to my view that high school sport should have inclusive gender categories, and while I can't cover all potential objections here I will address two. First, I will address an objection that accepts other values than fairness matter to high school sport, but that nonetheless argues that having inclusive gender categories would undermine fairness to the point of undermining the ability to achieve the central purposes of high school sport, and so undermine high school sport. The second objection is that my proposal would be self-defeating in that it would encourage high school boys to intentionally sabotage high school girls sport in such a way as to undermine the values (competitive and otherwise) of high school sport.

One line of objection could start by accepting that fairness is not a primary or dominating goal of high school sport, and as such other goals of high school sports matter when determining the correct eligibility criteria. Nonetheless, the objector might argue that without fair competition the other goals of high school sport that we take to be central to high school sport cannot be met, and so eligibility criteria needs to take fairness into account, specifically with the result to ban transgender athletes from the team that best matches their gender.

An initial response would note that there is already significant unfairness in high school sport. Some athletes are more genetically gifted than other athletes. Some schools have more resources than other schools. Even where schools have the same formal academic eligibility policies, some schools are more rigorous than others, and so some students who would be unable to compete for one school are able to compete for the other school, bolstering their competitive advantage. Undoubtedly it's already the case that most high school athletes are not (and, to a lesser degree, know they are not going to be) the best, or to have equal opportunity to win or display their athletic excellences, yet millions compete and achieve goods, including (some of) the competitive goods, of high school sport every year. Given that we accept significant inequality of athletic ability and likelihood of victory already, accepting more competitive unfairness by having inclusive gender categories isn't necessarily a problem. The objector, however, might say that such a response falls for what Pike (2023) calls the "Phelps Gambit:"

> 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. (9)

Pike thinks that the "Phelps Gambit" goes wrong by mistaking what Jim Parry and Irena Martínková (2021) call a "category advantage" for a "competition advantage." Competition advantages "can be simply described as a quality/ability that, ceteris paribus, might be thought to confer an advantage in competition in a given sport," (1489) but category advantages need to be understood in the context of why we have different categories in sport, which they view as "for the purposes of fairness and inclusion in an 'essentially competitive' activity." (1488) Such categories—be they weight classes, age groups, or gender divisions—allow for members of those groups to have better chances of competitive success, success that might be far more unlikely without such categories. So, a response to the "Phelps Gambit" might go, the acceptance of competition (dis)advantages that already exist in high school sport has no bearing on the argument about changing categorization to allow transgender athletes to compete on the team that best matches their gender as that's a question of category advantage.

However, Pike does recognize that "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." (11) Still, he says, there are restraints on the mix of category advantages and competition advantages we can accept:

> 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. (11)

But this still leaves open the option of having girls sport, justified in part by group-level physiological advantages of boys, and so then allowing all those with girl advantage to compete in girl sport. (Even if the group-level physiological advantages of boys relative to girls is less than the group-level physiological advantage of males relative to females, I doubt that opponents of inclusive gender categories would reject that there are such group-level physiological advantages of boys over girls.[13])

Pike's comment about convention is especially relevant here. As mentioned above, one major theory of sport, conventionalism, takes normative directions from the conventions of the sport practitioners. And these conventions change over time and context. Certainly many conventions around high school sport have changed over time—for example, society no longer views high school sport as primarily for boys with the role of girls more as objects to supplement boys' athletic excellence, and we now find it problematic when schools or athletic programs focus predominantly on

[13] With recognition that things are far more complex, for present purposes I'll accept the terminological use of "boys" and "girls" as gender terms where gender is understood as based in something like identification, and of "males" and "females" as sex terms where sex is understood as based in biology. For a recent discussion on the importance of terminological clarity in discussions of sport categorization, see Martínková et al 2022.

the boys—and the growing understanding and acceptance of transgender people is certainly relevant here. So too are the other important conventions about what high school sport is for; e.g. sportspersonship, respect for diversity, encouraging positive school culture, etc. In the past high school sport conventions might well support more rigid gender roles and winning as a value far more important than respect and community, but that does not seem to be as much the case in general today.

While discussing her view of the importance of sport categorization based on biological sex, Sailors (2020) identifies the purpose of gender/sex segregation in sport as "to enhance opportunities for females to compete, to serve as role models, and to foster a positive change in societal attitudes toward women through winning." (424) The move from "females" to "women" is instructive here. Such a purpose for having a women's (or girls') category only leads to exclusion of transgender women (and girls) if we're already determining that transgender women (and girls) are themselves not women (and girls); that is, such a purpose only leads to exclusion if we already presuppose exclusion! On the contrary, as argued above, high school sport has more reason to categorize athletes by their gender given the goals and values of high school sport. Starting from the view that transgender women (and girls) are women (and girls), the purpose Sailors identifies promotes inclusive gender categories for competition, categories that will still be relevant to group-level competitive advantages (even if less so than the male/female one she prefers). Similarly, while arguing for sex-based categories, Parry and Martínková explain that "[s]porting categories exist in order to afford relatively equitable competition within a protected category," (1489) but this general view leaves open the question of which categories we care about protecting. (There's also the general concern about how we characterize "relatively equitable.") We cannot simply go from a general justification for having distinct categories in the first place to concluding that we should exclude transgender high school women and girls from competing with their fellow high school women and girls.

In any categorization setup there will be those with competitive advantage, and if the categorization policies differentiate based on gender then the mere fact that some transgender girls have competitive advantages relative to some cisgender girls is no different than the fact that where categorization policies differentiate based on grade level some held-back or late-starting 9th graders will have competitive advantages to some not-held-back or not-late-starting 9th graders. The aforementioned existing unfairness in high school sport competitions, unfairness which is not undermining the high school sporting values that millions of students each year get from participating in high school sport, is again relevant to the discussion. Without presupposing sex categories as the relevant ones for category advantage in high school sport, we needn't fall prey to the "Phelps Gambit" that Pike discusses.

A second line of objection is that my argument is self-defeating given how high school boys and others will act. The objector might claim that if we simply allow participation based on the gender one claims, then high school boys will claim to identify as girls for purposes such as winning athletic competitions when they otherwise wouldn't or for making fun of girls. Such actions could significantly harm some of the values of high school sport discussed above, such as sportspersonship and respect, and so might be thought to undermine the entire thrust of my argument.

Unfortunately, one can hardly get through comment sections, especially on anonymous forums, on discussions of transgender girls competing with their fellow girls without seeing such harmful “edgelord” comments.[14] While historically there is almost no evidence of this happening with any regularity at any levels in sport, this has happened. In 2023, Avi Silverberg, the head coach for Team Canada Powerlifting, claimed to identify as a woman for the purpose of winning the Heroes Classic tournament in Lethbridge, Alberta. (Brown 2023) This went viral on YouTube under videos with title such as “Man Trolled Competition as a Female and SMASHED RECORDS” and “Male Powerlifting Coach DESTROYS Transgender Athlete By Pretending To Be A Woman For A Few Hours.” Presumably high school boys are not immune to wanting to “troll” girls any more than professional coaches are, and so the objector would argue that opening up the girls’ category to all girls—cisgender and transgender girls alike—based on self-identification would lead to more boys doing things like Silverberg and so lead to more harm of high school sporting values such as sportspersonship and respect, thus undermining my argument.[15]

There are two important aspects of my response. The first is that allowing high school athletes to compete in the gender category that they most identify with does not preclude requiring some formal mechanism of cataloging and enforcing this. My argument has centered on how high school sport isn’t simply “sport,” but rather sport in a particular context, namely the scholastic context. As such, requiring that athletes compete in the gender category that matches the gender they ascribe to in the entire scholastic environment seems fitting (provided of course that schools recognize students’ right to identify their genders in ways that at times might not match their sex assigned at birth, itself a freedom currently under attack in some locations). An athlete could, for example, have their school’s official photo identification that lists their gender be the relevant qualification for competition in the gender category at issue. (It should be noted that in the Silverberg situation there was a policy for checking government-issued photo identification but it’s unclear if Silverberg’s ever was.) These sorts of particular mechanical questions are beyond the scope of this paper; I mention official school photo identification as just a possible example for illustrative purposes.

The second line of response is that no policy is perfect. The mere fact that some trolls exist doesn’t justify creating and enforcing more exclusionary policies, especially in this high school context. We certainly should be cognizant of how policies are crafted and enforced so as to minimize such harm, but even if we know there will still be some trolls that doesn’t mean we give up on the inclusive policies which we’ve seen above are better justified for high school sport. If we got rid of

[14] This should not be taken as a recommendation to spend your time reading comments on anonymous message boards about transgender athletes. For those blissfully unaware of the term “edgelord,” it roughly refers to someone who intentionally uses strong, shocking, exaggerated, extremist, etc., language or actions to try to get a rise out of people, typically in an online context.

[15] For those blissfully unaware of “trolls” or “trolling,” trolling can roughly be understood as someone who intentionally pranks, annoys, or makes fun of someone in an intentionally offensive manner, and where a troll can be understood as one who trolls.

all policies meant to respect or protect marginalized people whenever some trolls or bigots tried to cause harm within the system we'd live in a very sad and different world indeed.

7 Conclusion

The current mass movement to exclude transgender athletes from participating in high school sport is at least publicly based in part on appeals to fairness. But once we recognize that sport isn't merely competition we recognize that we need to consider other values relevant to the particular sporting context. When it comes to high school sport, fairness matters, but it is not decisive. From the point of view of high school sport, letting transgender athletes compete in the category that best matches their gender is good for the sport.

Acknowledgements I am thankful to anonymous referees at *Analysis*, *Ethical Theory and Moral Practice*, and here at *The Journal of Ethics* for their helpful feedback.

Declarations

Conflict of interest There are no competing interests or funding to declare.

Open Access This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the article's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder. To view a copy of this licence, visit http://creativecommons.org/licenses/by/4.0/.

References

American Civil Liberties Union. 2021. "The Coordinated Attack on Trans Student Athletes." 26 February. https://www.aclu.org/news/lgbtq-rights/the-coordinated-attack-on-trans-student-athletes. Accessed 18 January 2025.

Associated Press. 2024. "NAIA all but bans transgender athletes from women's sports." *National Public Radio*. April 8. https://www.npr.org/2024/04/08/1243548261/naia-transgender-athlete-sports-ban. Accessed 18 January, 2025.

Barry-Hinton, S.P. 2022. Transgender athlete bans and the anatomy of anti-transgender politics. *Wake Forest Journal of Law & Policy* 12(3): 447–470.

Brown, L. 2023. Bearded man smashes women's weightlifting record held by trans lifter. *Fox Sports*. March 31. https://www.foxsports.com.au/more-sports/bearded-man-smashes-womens-weightlighting-record-held-by-trans-lifter/news-story/92986fdec0b7e855b8b6f6271d938e8d

Burke, M. 2022. Trans women participation in sport: A commentary on the conservatism of gender critical feminism. *International Journal of Sport Policy and Politics* 14: 689–696.

Burke, M., and C. Symons. 2016. Anti-doping policies and the Gay Games; Morgan's treatment enhancement distinction in action. *Journal of the Philosophy of Sport* 43: 467–280.

Byers, Walter, and Charles Hammer. 1995. *Unsportsmanlike conduct: Exploiting college athletes*. Ann Arbor: The University of Michigan Press.
Carr, C.L. 2008. Fairness and performance enhancement in sport. *Journal of the Philosophy of Sport* 35(2): 193–207.
Chiccarelli, M., J. Aden, D. Ahrendt, and J. Smalley. 2023. Fit transitioning: when can transgender airmen fitness test in their affirmed gender? *Military Medicine* 188(7–8): 1588–1595.
CIF. 2023. 2023–24 CIF Constitution and Bylaws, California Interscholastic Federation. https://www.cifstate.org/governance/constitution/index. Accessed 16 March 2024.
de la Cretaz, F. 2024. "Utah incident reveals this inherent threat in anti-trans efforts to 'protect' girls in sports." *CNN*. 15 February. https://www.cnn.com/2024/02/15/opinions/utah-anti-trans-policies-danger-womens-sports-de-la-cretaz/index.html. Accessed 18 January 2025.
Desjardins, B.M., J. Ketterling, and T. Hepburn. 2022. It's not fair! Constructing gendered legal subjects via trans-exclusionary sport legislation. *International Journal of Sport Policy and Politics* 14(4): 673–687.
Devine, J.W. 2011. Doping is a threat to sporting excellence. *British Journal of Sport Medicine* 45: 637–639.
Dixon, N. 1999. On winning and athletic superiority. *Journal of the Philosophy of Sport* 26(1): 10–26.
Dixon, N. 2003. Canadian figure skaters French judges and realism in sport. *Journal of the Philosophy of Sport* 30: 103–116.
Dixon, N. 2008. Performance-enhancing drugs, paternalism, meritocracy, and harm to sport. *Journal of Social Philosophy* 39(2): 246–268.
D'Agostino, F. 1981. The ethos of games. *Journal of the Philosophy of Sport* 8: 7–18.
English, C. and L. P. Pieper. 2022. 'This Bill Is About Fairness': an argument against the prioritization of competitive fairness at the expense of justice in us school sport. in *justice for trans athletes*, eds. A. D. Greey and H. J. Lenskyj, 109–133.
English, J. 1978. Sex equality in sports. *Philosophy & Public Affairs* 7(3): 269–277.
E-Alliance. 2021. Transgender Women Athletes and Elite Sport: A Scientific Review. Canadian Centre for Ethics in Sport.
Fischer, M. 2023. Protecting women's sports? Anti-trans youth sports bills and white supremacy. *Communication and Critical/Cultural Studies* 20(4): 397–415.
Flynn, E. 2021. Athletic skill and the value of close contests. *Journal of the Philosophy of Sport* 48 (2): 186–201.
Fountain, J.J., and P.S. Finley. 2009. Academic majors of upperclassmen football players in the Atlantic Coast Conference: an analysis of academic clustering comparing white and minority players. *Journal of Issues in Intercollegiate Athletics* 2: 1–13.
Fountain, J.J., and P.S. Finley. 2011. Academic clustering; a longitudinal analysis of a division I football program. *Journal of Issues in Intercollegiate Athletics* 4: 24–41.
Ganim, S. 2015. "NCAA: It's not our job to ensure educational quality" CNN. https://www.cnn.com/2015/04/01/sport/ncaa-response-to-lawsuit/index.html. Accessed 18 January 2025.
Gay Games. 2025. Rules, Policies and Procedures. Federation of Gay Games. Accessed 27 March 2025 via personal correspondence.
Gleaves, J. 2010. No harm, no foul? Justifying bans on safe performance-enhancing drugs. *Sport, Ethics and Philosophy* 4(3): 269–283.
Gleaves, J., and T. Lehrbach. 2016. Beyond fairness: the ethics of inclusion for transgender and intersex athletes. *Journal of the Philosophy of Sport* 43: 311–326.
Harper, J. 2015. Race times for transgender athletes. *Journal of Sporting Cultures and Identities* 6: 1–9.
Harris, S., S. Jedlicka, R. Pielke Jr., and H. Ryan. 2023. The politics of exclusion analyzing U S state responses to interscholastic transgender athletes. *International Journal of Sport Policy and Politics*. https://doi.org/10.1080/19406940.2023.2242878.
Hochstetler, D., G.F. Linder, and J. Ball. 2024. Ethical discourses for and against doping in sport philosophy. *Journal of the Philosophy of Sport* 51(3): 515–538.
H.R. 28. "Protection of Women and Girls in Sports Act of 2025" 119th Congress. https://www.congress.gov/bill/119th-congress/house-bill/28. Accessed 18 January 2025.
Ivy, V., and A. Conrad. 2018. Including trans women athletes in competitive sport: analyzing the science, law, and principles and policies of fairness in competition. *Philosophical Topics* 46: 103–140.
Johnson, A. "Trans Inclusion in Sports," National Federation of State High School Associations. https://www.nfhs.org/media/5919559/workshop-16.pdf. Accessed 16 March 2023.

Kalman-Lamb, N. and D. Silva. 2024. *The End of College Football*. The University of North Carolina Press.

LaForge, L., and J. Hodge. 2011. NCAA academic performance metrics: implications for institutional policy and practice. *The Journal of Higher Education* 82(2): 217–235.

LaRocca, D., K.A. James, S. Rosenberg, M. Ma, and A. Brooks-Russell. 2023. Team sports participation, depression, and suicidal ideation in lesbian, gay, bisexual, transgender, and questioning adolescents. *Psychology in the Schools* 60(4): 902–911.

Lee, W.Y., J.N. Hobbs, S. Hobaica, J.P. DeChants, M.N. Price, and R. Nath. 2024. State-level anti-transgender laws increase past-year suicide attempts among transgender and non-binary young people in the USA. *Nature Human Behavior* 8: 2096–2106.

Loland, S. 2002. *Fair Play in Sport*. Routledge.

Loland, S., and H. Hoppeler. 2012. Justifying anti-doping: the fair opportunity principle and the biology of performance enhancement. *European Journal of Sport* 12(4): 347–353.

MacRae, S. 2017. Toward a shallow interpretivist model of sport. *Journal of the Philosophy of Sport* 44: 285–299.

Martínková, I. 2020. Unisex sports: challenging the binary. *Journal of the Philosophy of Sport* 47(2): 248–265.

Martînková, I. 2023. Inclusion as the value of eligibility rules in sport. *Journal of the Philosophy of Sport* 50(3): 345–364.

Martínková, I., T. Knox, L. Anderson, and J. Parry. 2022. Sex and gender in sport categorization: Aiming for terminological clarity. *Journal of the Philosophy of Sport* 49(1): 134–150.

Martínková, I., J. Parry, and M. Imbrišević 2023. Transgender athletes and principles of sport categorization: why genealogy and the gendered body will not help. *Sport, Ethics and Philosophy* 17(1): 21–33.

McFee, G. 2004. Normativity justification and macintyrean practices some thoughts on methodology for the philosophy of sport. *Journal of the Philosophy of Sport* 31: 15–33.

McFee, G. 2015. An Institutional Theory of Sport. In *Routledge Handbook of the Philosophy of Sport* 53–66.

McNamee, M. 1995. Sporting practices, institutions, and virtues: a critique and a restatement. *Journal of the Philosophy of Sport* 22: 61–82.

Medley, S. 2022. [Mis]Interpreting Title IX: how opponents of transgender equality are twisting the meaning of sex discrimination in school sports. *New York University Review of Law & Social Change* 45(4): 673–726.

Mitchell, H. 2025. "How many transgender athletes are there in the US? Hardly any at all, according to experts." *Pink News*. 15 January. https://www.thepinknews.com/2025/01/15/how-many-transgender-athletes-are-there-in-the-us/. Accessed 18 January, 2025.

Moore, E. 2018. Against deep conventionalism. *Journal of the Philosophy of Sport* 45: 228–240.

Morgan, W. 2012. Broad internalism deep conventions moral entrepreneurs and sport. *Journal of the Philosophy of Sport* 39: 65–100.

Morgan, W. 2020. *Sport and Moral Conflict: A Conventionalist Theory*. Temple University Press.

Moyer, V., A. Zink, and B. Parent. 2023. Examining the ethics and impacts of laws restricting transgender youth-athlete participation. *Hastings Center Report* 53(3): 6–14.

Murray, T.H. 2019. What's the point of sport? *International Journal of Sport Policy and Politics* 11(2): 355–364.

NCAA. 2014. Frequently Asked Questions About the NCAA. National Collegiate Athletic Association. January 8. https://www.ncaa.org/sports/2014/1/8/frequently-asked-questions-about-the-ncaa.aspx. Accessed 27 March 2025.

NCAA. 2021a. Academics. National Collegiate Athletic Association. February 10. https://www.ncaa.org/sports/2021/2/10/about-what-we-do-academics.aspx. Accessed 18 January 2025.

NCAA. 2021b. Mission and Priorities. National Collegiate Athletic Association. June 28. https://www.ncaa.org/sports/2021/6/28/mission-and-priorities.aspx. Accessed 16 March 2024.

NFHS. 2024. Mission Statement. National Federation of State High School Associations. https://www.nfhs.org/who-we-are/missionstatement. Accessed 16 March 2024.

NFL. 2024. NFL Rulebook. National Football League. https://operations.nfl.com/the-rules/nfl-rulebook. Accessed 13 January 2025.

Parry, J., and I. Martínková. 2021. The logic of categorisation in sport. *European Journal of Sport Science* 21(11): 1485–1491.

Paule-Koba, A.L. 2019. Identifying athlete's majors and career aspirations; the next step in clustering research. *Journal of Athlete Development and Experience* 1: 1.
Pielke, R., Jr., R. Tucker, and E. Boye. 2019. Scientific integrity and the IAAF testosterone regulations. *The International Sports Law Journal* 19: 18–26.
Pike, J. 2021. Safety, fairness, and inclusion: Transgender athletes and the essence of Rugby. *Journal of the Philosophy of Sport* 48(2): 155–168.
Pike, J. 2023. Why 'Meaningful Competition' is not fair competition. *Journal of the Philosophy of Sport* 50(1): 1–17.
Redman, Jody. 2016. Defining Our Purpose. National Federation of State High School Associations. https://www.nfhs.org/articles/defining-our-purpose?ArtId=97676. Accessed 16 March 2024.
Russell, J.S. 1999. Are rules all an umpire has to work with? *Journal of the Philosophy of Sport* 26: 27–49.
Sailors, P.R. 2020. Transgender and intersex athletes and the women's category in sport. *Sport, Ethics and Philosophy* 14(4): 419–431.
Sharrow, E.A. 2021. Sports, transgender rights and the bodily politics of cisgender supremacy. *Laws* 10: 63.
Simon, R.L. 1985. Good competition and drug-enhanced performance. *Journal of the Philosophy of Sport* 11: 6–13.
Simon, R.L. 1991. *Fair Play*. Westview Press.
Simon, R. L. 2018. Internalism and Internal Values in Sport. In *Ethics in Sport*, ed. W. J. Morgan, 61–76
Smith, J. M. and M. Willingham. 2015. Cheated: The UNC Scandal, the Education of Athletes, and the Future of Big-Time College Sports. Potomac Books.
Sports Wars. 2023. Male Powerlifting Coach DESTROYS Transgender Athlete By Pretending To Be A Woman For A Few Hours. YouTube. https://www.youtube.com/watch?v=bwfWnddHq6g. Accessed 16 March 2024.
Strangio, C. and G. Arkles, Four Myths About Trans Athletes, Debunked, American Civil Liberties Union, last modified April 30,2020. https://www.aclu.org/news/lgbtq-rights/four-myths-about-trans-athletes-debunked
Strupp, A. 2022. "These States Had Few, If Any, Trans Student Athletes. They Passed Sports Bans Anyway." *The Huffington Post*. 18 September. https://www.huffpost.com/entry/trans-athlete-bans-fischer-wells-kentucky_n_6324c5f2e4b0ed021dfcf3a7. Accessed 18 January 2025.
Taha-Thomure R, A. S. Milne, E. J. Kavanagh, and A. E. Stirling. 2022. Gender-Based Violence Against Trans* Individuals: A Netnography of Mary Gregory's Experience in Powerlifting. *Frontiers in Psychology*. 13.
Telander, Z. 2023. Man Trolled Competition as a Female and SMASHED RECORDS. YouTube. https://www.youtube.com/watch?v=hs7n2M_0N9w. Accessed 16 March 2024
Trevor Project. 2023. "New Poll Emphasizes Negative Impacts of Anti-LGBTQ Policies on LGBTQ Youth." 19 January. https://www.thetrevorproject.org/blog/new-poll-emphasizes-negative-impacts-of-anti-lgbtq-policies-on-lgbtq-youth/. Accessed 18 January 2025.
UIL. 2024. Our Purpose: Educational Competition, University Interscholastic League. https://www.uiltexas.org/about/purpose. Accessed 16 March 2024.
World Anti-Doping Agency. 2021. World Anti-Doping Code.
Wolf-Root, A. 2025. Taking College (and) Sport Seriously. In *College Sport Ethics: Challenges, Questions, Opportunities,* eds. Chad Carlson and Shawn Klein. Bloomsbury Publishing.
Wolf-Root, A. 2022. COVID-19: Unmasking the NCAA's Collegiate Model Myth. In *Philosophy, Sport, and the Pandemic*, eds. Jeffrey Fry and Andrew Edgar. Routledge.
Wolf-Root, A. 2020. Rethinking doping. fair play. *Journal of Philosophy, Ethics and Sports Law* 18: 1–42.
Wolf-Root, A., and K. Cody. 2022. When the longest jump doesn't win the long jump: against world athletics' final 3. *Fair Play: Journal of Philosophy, Ethics and Sports Law* 22: 75–88.

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.